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ABSTRACT

This guide provides lesson plans for lawyers and law students who serve as resource persons for law-related subjects in grades K-8. The first part of the guide provides an introduction, an explanation of lesson plan format, suggestions to help lawyers and law students work effectively with teachers, and helpful hints for working with students in grades K-3. The second part of the guide presents lesson plans for each grade level: "Classroom Rules" (Kindergarten), "Laws" (Grade 1), "Consumer Rights and Responsibilities--I" (Grade 2), "Legal Authority" (Grade 3), "Due Process" (Grade 4), "Consumer Rights and Responsibilities--II" (Grade 5), "Lawmaking" (Grade 6), and "Juvenile Court Proceedings" (Grades 7 and 8). Each lesson plan includes information on lesson objectives and student grade level, pre-visit activities for the cooperating teacher, activity-oriented classroom plans for the lawyer or law student, and follow-up activities to help teachers reinforce student learning. The final section of the guide presents helpful hints for working with classes of exceptional students, especially educable mentally retarded students, orthopedically handicapped students, hearing-impaired students, and gifted students. An appendix listing resources for teachers, lawyers, and law students concludes the document. (LH)

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A Resource Guide to Assist Lawyers and Law Students For Participation in Kindergarten through Eighth Grade Law-Related Classrooms

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A Resource Guide to Assist Lawyers and Law Students For Participation in Kindergarten through Eighth Grade Law-Related Classrooms

This Guide Includes Special Assistance For Handicapped and Gifted Classrooms

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Juvenile Justice Office
910 17th Street, N.W., Suite 310
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Preface

"Law as a guide to conduct is reduced to a level of mere futility if it is unknown and unknowable."

These words were uttered by Benjamin N. Cardozo, former Associate Justice of the United States Supreme Court. They not only warn mankind of an unintended consequence. They have become instead the watchword to help justify law-related education, and to help justify this Resource Guide.

It may seem surprising that many young citizens in the United States will graduate from high school this year lacking an adequate understanding of our legal system and its functions. Even more deplorable is the fact that they will not comprehend the benefits and protections it affords them and their loved ones, nor their responsibilities for living within it. Law-related education provides not only improved citizenship education but also helps the youth of America develop analytical skills and the capacity for clear thinking which are so essential in our complex society.

In a nationwide program to make the law better known and knowable, an ever-increasing assemblage of lawyers and educators from communities across the country has joined forces to bring the living law into the living classrooms of our public, parochial, and private schools.

Phi Alpha Delta feels very privileged to participate in this program of law-related education, even though this is a new professional endeavor for the Fraternity. We have a 78-year history of serving the law student, the law school, the legal profession, and now — with a national program devoted to the expansion of law-related education in communities across America — the community and the nation. With a membership exceeding 94,000, more than 3,000 lawyers and law students become PAD members each year without restriction by reason of sex, age, race, color, creed, or national origin.

The Fraternity has 163 law student chapters chartered at accredited law schools throughout the United States, Puerto Rico, Canada, and Mexico. Alumni organizations have been chartered in 76 metropolitan areas throughout North America (including Hawaii, Puerto Rico, and Canada).

We have noted that other organizations, such as the Constitutional Rights Foundation, have encouraged local members of the legal profession to provide classroom support to the teaching of law-related subjects. Phi Alpha Delta would like to help satisfy the growing need for resource persons in the classroom by not only offering its vast membership to provide this voluntary service but also by assisting them with this special Resource Guide in elementary education.

Being lawyers ourselves, we are highly cognizant of the lawyer lifestyle, which involves long hours of professional application to legal matters, with little time to learn the techniques of communicating with children on legal questions. Thus, we hope that this Guide will provide interesting lesson plan materials and useful hints to the busy lawyer who wants to help his own and his neighbor's children become better citizens.

The Office of Juvenile Justice and Delinquency Prevention of the U.S. Department of Justice approved our request for permission to use our LRE funds to produce this experimental publication. We hope that its confidence will prove justified.

We are pleased that Ms. Linda Riekes and her elementary education staff in the St. Louis, Missouri Public Schools have agreed to assist us with this project. Her national reputation in the field of law-related education is well established, typified by her membership on the prestigious Special Committee on Youth Education for Citizenship (YEFC) of the American Bar Association. Her local St. Louis LRE program for elementary students is quite successful for both handicapped and gifted students.

The Guide itself was written by Ms. Riekes, working with her staff members Calla Smorodin, Coordinator of the Urban Consumer Education Project; Armentha Russell, Coordinator of the Consumer Education Project for Educable Mentally Retarded Students; and Patricia Z. Dooling, Assistant Coordinator of the Project Law and Citizenship Education Project. Special thanks are due to Carolyn Carter, who diligently typed and retyped this Guide.

We have also sought and received helpful comments and recommendations from many experts in the LRE field. They include such persons as Isidore Starr (YEFC member), Norman Gross (YEFC Staff Director), Charlotte Anderson (YEFC staff), and Charles White (YEFC staff).

In addition, useful suggestions have been received from the Constitutional Rights Foundation, Law In A Free Society, and the National Street Law Institute.

We are particularly indebted for the constructive guidance received from David M. Schimmel, Director of the Massachusetts Association for Law-Related Education, who also serves as Education Consultant to the Fraternity.

We have also given careful attention to the need for providing a balanced set of alternative lesson plan materials available from different organizations skilled in LRE curriculum development for elementary students. They include the American Bar Association, Law In A Free Society, Law in Action Series, and materials from the elementary level joint project of the National Street Law Institute, Constitutional Rights Foundation, and Law-Related Education Programs for the Schools of Maryland.

We understand that there are many other worthwhile sources of elementary classroom lesson materials. We have endeavored to list a number of such organizations in an appendix hereto, and further suggest that interested readers contact the YEFC Headquarters at the American Bar Association for advice and guidance.

The contents of this Guide have been copyrighted. We are glad to authorize, however, the reproduction of any part of the publication without our written permission, provided it is for non-profit purpose and that credit is given to the Fraternity for its availability. We will welcome comments, criticisms, and suggestions for improvement. This is our first edition of such a publication.

Should there ever be another, we will be glad to include other tested lesson plan materials. In the meantime, fellow lawyers and law students, give of yourselves in the pursuit of happiness for the youth of America.

Robert E. Redding, Director
Phil Alpha Delta Juvenile Justice
and Delinquency Prevention Program

Introduction

Law-related education is an idea whose time has come. It has become a national program designed to serve a national need of helping the youth of America to become more useful and happy citizens. The program has been recognized and endorsed by the highest to the lowest level of government officials of our nation. It has been welcomed by all components of Hometown America, by boys and girls, and by their parents. It is a product which came into its own during the 1970's. We anticipate that its benefits will become very clear during the 1980's as it contributes to the moral, social, and economic fabric of our land.

Law-related education involves the presenting in the daily classrooms of our public, private and parochial schools of legal precepts and community problems which call for a system of equal justice under the law, administered by a process that enforces our laws, while protecting our constitutional rights. It is a program that has been endorsed by the American and other bar associations, other components of our legal system, and by the Phi Alpha Delta Law Fraternity, International, the publisher of this Resource Guide.

During the last several years, resource persons with legal training have participated in varying degrees in classroom activities associated with law-related education, not only to assist the teacher but also to better enable the students to understand the legal concepts under discussion. For the most part, however, this has been a practice confined to the secondary level of education, i.e., from ninth to twelfth grade. Various organizations have developed and published helpful materials that can facilitate an effective presentation by lawyers in such classrooms. The state of the art in the field of elementary education is such, however, that relatively little resource material is available to resource persons invited to assist elementary grade LRE programs. It is hoped that this Resource Guide will be particularly useful as a pioneering publication applicable to kindergarten-to-eighth grade classrooms. Its value will be enhanced by providing helpful guidance relative to the special needs of physically and mentally handicapped students, as well as those of gifted students.

This Guide is based on the educational philosophy that a resource person should be an integral part of any law-related program rather than a one-day experience isolated from other learning. To be effective, a resource person should be involved in a specific lesson or series of lessons which are a part of the curriculum. The teacher needs to help the resource person understand the age level and maturity of the students and the specific topic areas of their law-related studies. At the same time, the resource person must communicate his or her expertise to young people at the particular grade level in a short period of time.

There are, without question, a considerable number of local residents who have received training in the law. They range from judges and lawyers to government leaders to law school faculty to law students. Even many business persons have taken legal training to improve their business skills. Hence, a classroom resource person could be any one of these individuals. For format purposes, however, this Guide is captioned for the use of lawyers and law students, who, of course, comprise the large bulk of Phi Alpha Delta's membership.

A problem occurs when the teacher brings in the resource person simply to answer questions. Obviously, when students are working in a particular area of the law, many questions arise. The resource person has the expertise and information to answer these questions. The students, however, are often unable to sustain their initial interest throughout a long question-and-answer session. Therefore, the importance of providing interesting and exciting lesson plans which involve the entire class, to be presented by the resource person, is one of the reasons this Guide was developed. It must also be kept in mind that the plans included herein are merely samples of the types of classroom input that are available from a number of sources.

Another reason for this Guide is to give recognition that the resource person is a volunteer donating his/her time to provide a service to young people in school. Not only can the Guide be helpful to such volunteers but it can also enable this legal person to provide many benefits, including being a role model, reinforcing information, correcting mistaken beliefs, presenting new information, and being physicllly present in the classroom to humanize the law.

Finally, we are convinced that this Guide will serve to establish new and beneficial relationships between the lawyer and the classroom teacher. The need for this type of law-related teamwork at the elementary level has not yet been confirmed as an evaluation matter. We appreciate the opportunity, therefore, to offer this new method of assistance because we think that students at the elementary level can benefit greatly from such exposure to professional persons who serve the laws of this nation.

Format of the Lesson Plans

Each lesson plan is laid out as follows:

BACKGROUND FOR RESOURCE PERSON
Information on the objectives of the lesson and the grade level.

PRE–VISIT ACTIVITIES FOR THE TEACHER
Important information for the teacher to prepare the students for the lawyer or law student's visit so that they can be an integral part of the overall law-related curriculum.

RESOURCE PERSON'S VISIT — A LESSON
A classroom lesson plan for the lawyer or law student which is activity-oriented and geared to the particular needs of the students.

FOLLOW–UP FOR TEACHERS
Activities that the teacher could engage in with the students to reinforce what they have learned from the lawyer or law student's classroom presentation.

Working with the Teacher

Elementary teachers are very anxious to have lawyers and law students in the classroom. Teachers often comment that an effective resource person is vital to their law-related program. Every effort will be made to make you, the resource person, feel comfortable. A phone call or brief meeting with the teacher in advance will maximize the benefits which your classroom visit will provide for the students.

NAME TAGS
Ask the teacher to have students wear name tags with their first names printed in large letters. During the class, call on students by name. It will help you to individualize your classroom visit.

COMBINING CLASSES
If a teacher asks you to combine several classes, we suggest you consider saying "no." The dynamics of combining classrooms may make it difficult to individualize your presentation.

SCHEDULING
Generally speaking, it is better not to visit a school before the sixth week of the school year and *never* the day before or after a school holiday.

AREA OF STUDY
It is of major importance to discuss with the teacher the specific topics students are studying in their law-related class. You could share the sample lesson from this Guide. Find out what the teacher wants from your participation — the more specific, the better. Also, let the teacher know what experience you have had with students this age. If you are going to have students write a story or draw a picture as part of the activity, tell the teacher in advance so that appropriate materials will be available.

The topics and suggested grade levels for lessons in this Guide are flexible. Because of growth rate variances and differences in sophistication, most lesson ideas could be used with no change at the next higher grade level. It is generally not good, however, to use the lessons in this Guide at a lower grade level. Obviously, this is arbitrary. It is the teacher who is the key to help you determine the best lesson for her/his class.

PRE–ACTIVITIES
Before visiting the classroom, ascertain from the teacher the areas of legal problems students have been studying. *Discuss with the teacher the sample lesson from the Guide that fits this subject area.* (Duplicate the lesson pages and send them to the teacher.) The sample lesson contains pre-visit activities for the teacher to use before your visit. These activities are an integral part of the resource person's classroom lesson. For example, the teacher should teach any new vocabulary words *before* your visit. You should also utilize them *during* your visit. Remember to provide the teacher, in advance, with any materials you plan to distribute so that he/she can suggest ways to use them with the students or to simplify them for the particular grade level.

RESOURCE VISIT
The sample lesson, the helpful hints and your advance preparation with the teacher will assist you in having a good classroom experience.

FOLLOW–UP
The experienced teacher wants to maximize the benefits of your visit. The Guide provides each lesson with follow-up activities. You may have some additional activities to suggest to the teacher. A letter to the teacher and students after your visit means a great deal. It demonstrates that you care, that you enjoyed the experience, and that you are thinking of the students and teacher. If possible, a copy of the letter might be sent to the principal and superintendent, establishing your opinion about the importance of law-related education. A letter from a prominent attorney can reinforce the teacher's commitment to law-related education and help promote its expansion to other classrooms. If such a program already exists throughout the school, the letter helps to reinforce the need for continuing and strengthening the program.

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Helpful Hints for Working with Kindergarten through Third Grade Students

1. Primary teachers are delighted that the resource person is willing to go forth into the world of tiny chairs and desks, brightly colored pictures, and bulletin boards to provide information and be a role model for students. It is very important that you feel comfortable in this environment.
2. Call students by their first names and try to involve as many students as possible.
3. Speak *clearly* and slowly, using a vocabulary understandable to the grade level of the class.
4. Establish with the teacher in advance the length of time for your presentation. Generally, a 20 minute presentation is good for kindergarten and first grade; 20-35 minutes for second and third grade.
5. Use the chalkboard. It will help students to grasp new ideas. Printing is easier for students to read than writing.
6. The more visual aids the better, especially if they are large and easy to read.
7. Before you begin, tell the students how you wish to handle questions. For example, you can ask students to raise their hands and interrupt whenever a question comes to mind, or you may want to have them save questions until the end of the activity. If you choose the latter, set a time limit for the question-and-answer session. Younger children tend to ask questions as long as someone will listen. After a reasonable amount of time, close the session with one or two final questions. Tell the class that anyone with a question still unanswered can write their question in a letter to you. (To be forwarded by the teacher.)
8. Be sure all students can see and hear you; move around the room.
9. It is more important to introduce one or two main concepts and explain them fully rather than introduce a large number of concepts without making all of them understandable.
10. The more concrete the example, the better. Localizing examples from your personal experience is extremely captivating.
11. Remember that when in doubt, ask the teacher for assistance in working with the students. He/she may have an especially helpful activity idea but may not volunteer it unless asked.
12. Be flexible. You may have prepared your activity very carefully; however, when you get to the classroom, you may have to make impromptu adjustments to insure a quality experience for students.

Lesson Plans

Kindergarten: Classroom Rules

BACKGROUND

Students in kindergarten are going from the world of home and family to the new world of school. The kindergarten teacher has the responsibility of not only teaching students beginning learning skills, but also community skills of getting along with other people — skills that deal with understanding and respecting rules. You could provide a great service to these students by doing a lesson on rules and rulemaking.

It is best for the resource person not to visit a kindergarten class until after students have had some time to get into the school routine and have acquired some community skills. A classroom visit should, therefore, not be planned before mid-November of the new fall term.

PRE–VISIT

Kindergarten children need and have a deep sense of order, such as "morning song," "lining up" at dismissal, "nap time," etc. The teacher should emphasize how the classroom has many rules that the students and teacher must follow. Children's literature is a very good source of lessons in law-related education. The teacher can read stories to the class that emphasize rules.

The American Bar Association's Special Committee on Youth Education For Citizenship can direct you to projects which have developed annotated literature lists and curriculum for using children's literature. Some sample stories follow.

After reading a story in a discussion of the class rules, the teacher could ask any of the following questions:

What was the rule?
What is a good reason for following that rule?
Did anyone break the rule?
What problem did breaking the rule cause?
Did anyone get hurt because the rule was broken?
Why are rules important?

Prior to the resource person's visit, the teacher should list the rules discussed on the chalkboard.

Some other pre-visit activities can be found on pages 12 through 17 of this Guide. The story and pictures are from Law In A Free Society's materials on Authority. This excerpt is from a multimedia instructional kit containing a number of sequential activities, and while the lessons may be used individually, they are most effective in total. This selection is from the Level I kit for grades kindergarten through one.

RESOURCE PERSON'S VISIT

It will help if you begin your classroom presentation with your name and where you work (close to any building they might know, such as the zoo, the library, etc.). Tell a little about where you live and about your family. Then say that you are a lawyer/law student and describe in as simple terms as possible what you do.

Ask them what rules they have in class. If possible, mention one of their classroom rules. Make a list, point to them on the chalkboard and discuss them with the students. Though most of the students can't read, it is helpful to use visual demonstrations as much as possible.

You might tell a story. For example, in _____ (your city's name) a long time ago, there were only horses and carriages. People got around the city by horse and carriage. There were few accidents. Then, some people made a new invention called a car. The car was not powered by a horse but by a motor. Cars went much faster than horses and there were accidents. Who should set up rules for cars? Explain that your city's rules (called laws) are made by lawmakers who are chosen by the students' mothers and fathers. They are trying to make laws for the city.

Have students sit in chairs and pretend they are in cars. Ask them to drive. What do they have to know before they can drive? (For example, they need to know how to drive.) What laws are needed? Why are laws needed? If time permits, you might try other simple examples of laws the students think are needed.

FOLLOW–UP

Suggest to the teacher the idea of having students draw pictures in advance about rules they follow. These can be used for a show-and-tell session.

"Among the many stories which can be used to emphasize the importance of rule-making are ....

Grade Level: K–2 (or even older!)
Concepts: Justice, Responsibility

The Little Red Hen, any version

This is the classic tale of the hen that found a grain of wheat and was refused help by all the barnyard animals at every stage of its planting and growth. The only time they were willing to help was in the eating of the bread which she had baked from her harvest. But the Little Red Hen was not willing to share the rewards of labor her friends had avoided. A wonderful story to contrast with *Frederick* and *The Best of the Bargain*.

Grade Level: K–3
Concept: Justice

The Best of the Bargain, Janina Domanska, Greenwillow Books (1977)

A wonderful picture book to team with *The Little Red Hen* and *Frederick*. In this folktale, Olek the fox and Hugo the hedgehog decide to share the crops they grow in their orchard and field. But the hedgehog tricks the fox with an ingenious question and ends up with the entire yield of the field plus half of the orchard's fruit crop. A judge is called to settle their dispute, and again the hedgehog uses trickery to outwit his opponent. But who wins in the end? And was it fair?

Grade Level: K–4
Concepts: Diversity, Freedom, Property

The Big Orange Splot, Manus Pinkwater, Hastings House (1977)

On a street where all houses look alike, one person paints his home to reflect his fantasy, interests and creativity. At first his neighbors rebel at this unexpected non-conformity, but one by one they join him in expressing their individuality.

Grade Level: K–4
Concept: Responsibility

Stevie, John Steptoe, Harper and Row (1969)

Stevie is resentful when his mother undertakes to babysit the younger child of a friend and he finds himself with new responsibilities. Yet when the child leaves for good, Stevie misses him. An excellent example of some of the benefits and burdens of responsibility. The language poetically reflects the Black family setting of this warm story.

Letwin, Alita Z.
"Bibliography of Children's Literature with Strong Law-Related Content"
Social Education, May 1980.

LESSON SIX*

LESSON OVERVIEW

This lesson is designed to introduce a procedure useful in evaluating rules. A hypothetical situation serves as the basis for an exercise and discussion. Then students complete an evaluation exercise designed to assess student achievement of the objectives of Units Two and Three.

MATERIALS

Student book, pages 18-21.

LESSON OBJECTIVE

Given a story and appropriate questions about the story, students should be able to apply the given procedure for evaluating rules.

PROCEDURES

1. Story and Exercise: Evaluating Rules

Read the following story to the class.

*From Teacher's Edition, *Authority*, Level I, Law in a Free Society

Twelfth Street

One day on Twelfth Street, Juan Villagomez, who was only seven, was riding his bicycle. He almost got hit by a car. The car was going very fast and did not have a chance to stop. Juan was riding his bike in the middle of the street where cars drive by. Juan got out of the way just in time. He was lucky. The people who lived on Twelfth Street knew that there was a problem. They didn't want any children on bikes to be hit by cars. Here are three rules the people thought of for making things safer.

1. All bike riders must wear party hats.
2. Only children named Della or Sam may ride bikes on Twelfth Street.
3. No cars may drive on Twelfth Street.

"Well, which of the rules do you think we should use?" somebody asked Ann Bowles.

"I don't think any of them are good rules," said Ann. "I'll tell you why I don't think we should use any of them.

"Think about the first rule," said Ann. "It says, 'All bike riders must wear party hats.' I don't think this is a good rule because it wouldn't take care of the problem. Wearing party hats has nothing to do with getting hit by cars. Having party hats on probably wouldn't keep children on bikes from getting hit by cars.

"I don't think the second rule is a good rule either," said Ann. "It says, 'Only children named Della or Sam may ride bikes on Twelfth Street.' This isn't a good rule because it is unfair. It would mean fewer bike riders, which usually means fewer accidents, but it is unfair to people who aren't named Della or Sam."

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"The third rule, 'No cars may drive on Twelfth Street,' would stop accidents," said Ann. "But I still don't think this is a good rule because it goes too far. We don't have to keep all cars off Twelfth Street. We just have to figure out a way that both cars and bikes can safely be used on Twelfth Street. There must be some good rules we could make. We need rules which take care of the problem, are fair to everyone, and don't go too far."

Have students look at the three pictures on pages 18-19 of the student book. Explain to students that each of these three pictures is about one of the rules talked about in the story they just heard. Then lead a brief discussion, using the following questions.

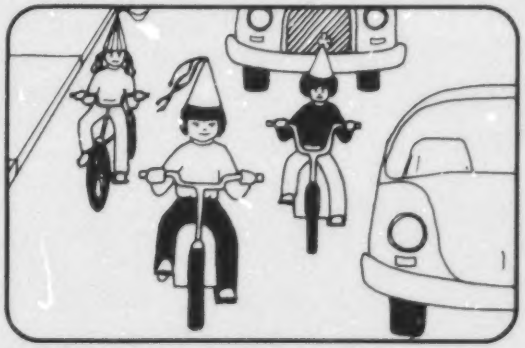
- **What rule does each picture show?**
- **What is the rule supposed to do for the people in the story?**

Students should restate the rule as set forth in each caption and should recognize that, in each case, the rule was supposed to prevent accidents on Twelfth Street.

Twelfth Street

What do you think is wrong with each of these rules?

A



Bike riders must wear party hats.

B

Only Della and Sam may ride bikes.

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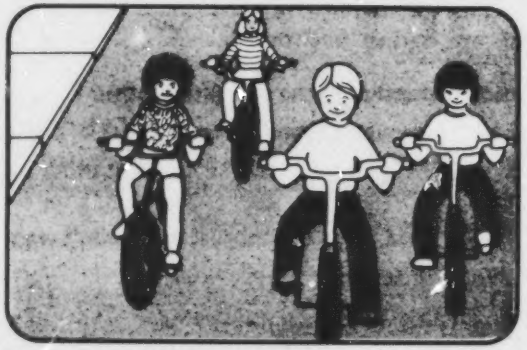
Twelfth Street

C



No cars may drive on Twelfth Street.

19

17

2. Discussion: Identifying Weaknesses in Rules

Review students' answers and begin a class discussion on the following questions. Students should be asked to recall the information or opinions given to them in the story. The answers noted are, of course, not exclusively correct. Other logical responses may be inferred by students.

- **Explain what you think is wrong with the rule in picture A.**

  Students should explain in their own words that making bike riders wear party hats would do very little to solve the problem of accidents.

- **Explain what you think is wrong with the rule in picture B.**

  The rule is unfair to people who aren't named Della or Sam because those people would not be allowed to ride their bikes on Twelfth Street, and there is no good reason for discriminating against them.

- **Explain what you think is wrong with the rule in picture C.**

  This rule stops all car traffic on Twelfth Street. It goes too far. It does not allow for the possibility of making safe procedures for both cars and bikes to be used in the street. (Some students may argue that the rule is unfair to car drivers.)

Ask students to create what they think would be good rules to solve the problem. You might ask students to draw pictures of what their rules would do. Students could be asked to share their pictures with the rest of the class, explain the purpose of their rules, and identify their strengths and weaknesses.

18

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3. Evaluation Exercise for Units Two and Three

This evaluation exercise is in three parts and uses a three-part story, "Lunchtime." Part A deals with problems that arise because of a lack of effective authority, Part B with characteristics a person should have to be selected for a position of authority, and Part C with the evaluation of some proposed rules.

Read Part A of "Lunchtime" to the class.

Lunchtime—Part A

The Nilly family moved to a new town. The three children, Willie, Millie, and Danny, had to go to a new school. It was much the same as their old school, but one thing was different. At lunchtime, all the children could do whatever they wanted. There were no rules and no people in charge.

At dinner, Willie, Millie, and Danny told their mother and father about school. When the children were asked what they thought about having lunchtime with no rules or people in charge, they had different answers.

Millie Nilly said, "It's not so good when there is no one to make sure people don't shove. I saw two kids pushing each other in the lunch line. Nobody stopped them. They just kept pushing each other. Somebody could have been hurt."

Danny said, "Most of the kids behaved themselves. But a few were throwing garbage all over the cafeteria floor. It only takes a few to make a real mess."

Have students turn to the answer sheet on page 20 of the student book (a separate answer sheet may be used). Explain that you will read the four numbered sentences and that, as you read each sentence, students should circle "yes" on the answer sheet next to the number of that sentence if what is described in the sentence happened because there were no rules or people in charge during lunchtime or circle "no" if it did not. Then read the question and four sentences below (reproduced on page 20 in the student book), allowing students time between the reading of sentences to mark their answers.

- **In the story, did this happen because there were no rules or people in charge during lunchtime?**

1. **There was garbage all over the cafeteria floor.**
2. **The Nilly family moved to a new town.**
3. **There was no one to stop children from pushing in the lunch line.**
4. **Children didn't have to go to school if they didn't want to.**

Scoring Criteria

Numbers 1 and 3 should be circled "yes"; the others, "no."

Have students check their answers. Then lead a brief class discussion on any items that caused difficulty. When you are satisfied that the objective is achieved, continue the evaluation exercise by reading the next part of the story.

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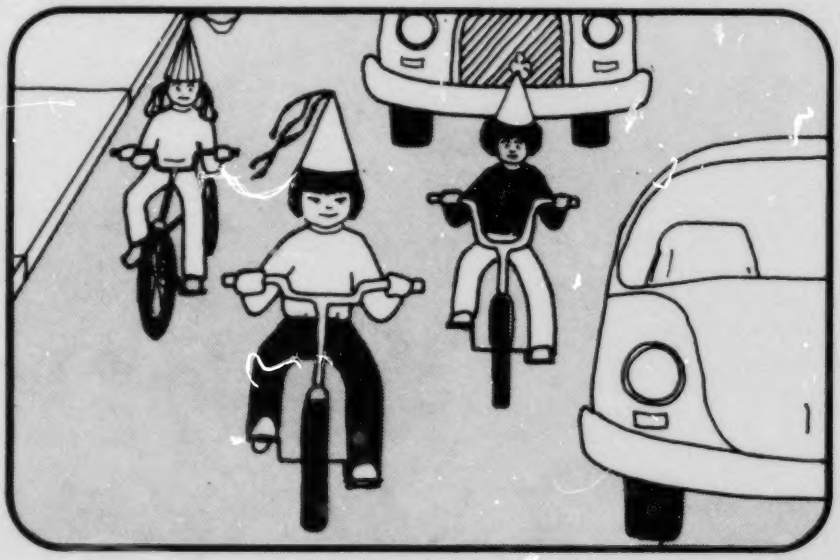
PRE-VISIT ACTIVITIES

Unit Three What are some considerations useful in evaluating rules?

Twelfth Street

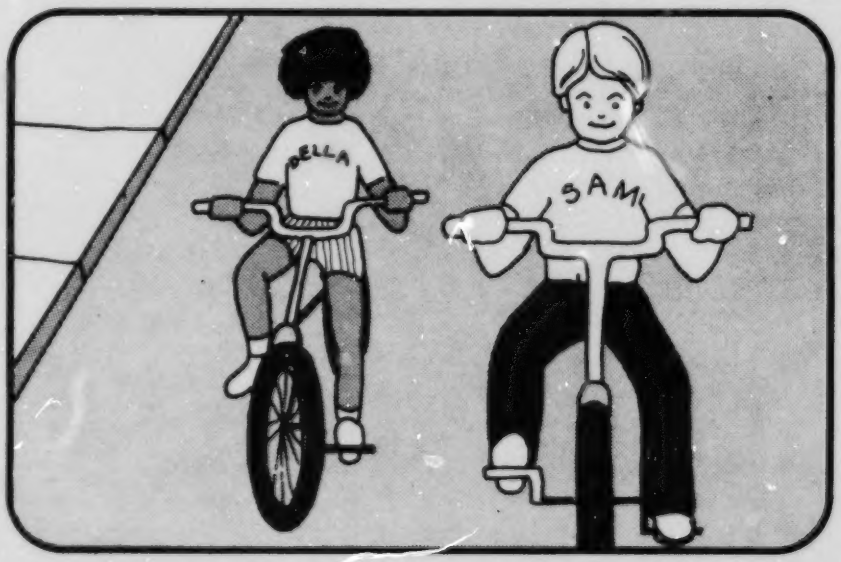
What do you think is wrong with each of these rules?

A



Bike riders must wear party hats.

B



Only Della and Sam may ride bikes.

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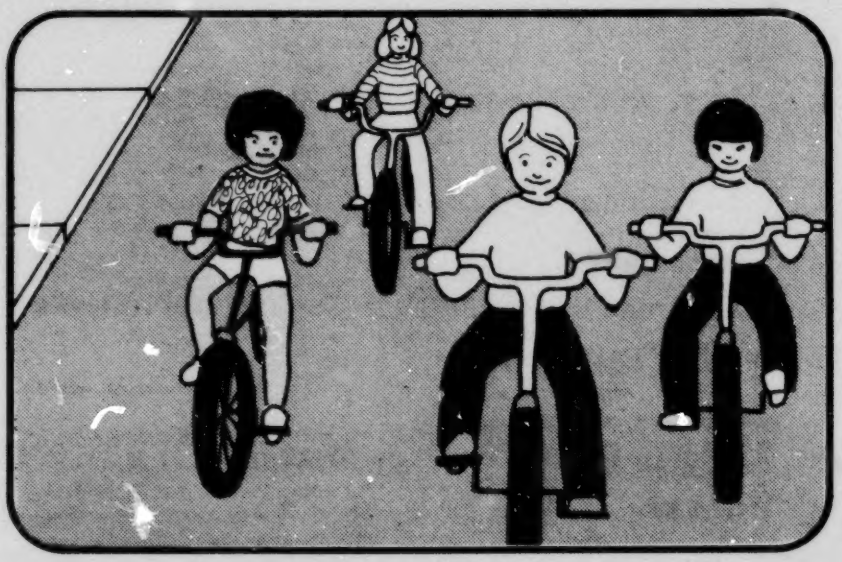
Twelfth Street

C



No cars may drive on Twelfth Street.

First Grade: Laws

BACKGROUND

As the resource person, you can help them to see that laws are an important part of their lives. We have found that the resource person's time is best used when he or she comes to the class at least two months after school is in session. Students will then have a better image of themselves, their class, and their school.

PRE–VISIT

The previsit activities are taken from *Problems in Green Valley*, a first grade curriculum written as a joint project of the National Street Law Institute, Constitutional Rights Foundation, and Law-Related Education Program for Schools of Maryland.

Tell the children you are going to read them a story about some people who had an "argument." The story appears below. Ask if anyone knows what an "argument" is and let them suggest definitions. All story pictures can be found on pages 19-21.

Ask the children what Georgia and Tommy were arguing about. Suggest that the class help them explain to each other their different feelings about the tree. Have half the class help Georgia by making a mural (or individual pictures put together) showing what she likes to do in her yard. Have the other children help Tommy by making a mural showing what he likes to do in his yard.

Share the murals and help each group explain the pictures. Ask the children if Georgia and Tommy like to do the same things in their yards.

Ask the children if they have any ideas about how Georgia and Tommy might settle their argument (e.g. cut the branches on Tommy's side, Georgia help Tommy rake leaves, etc.). Record the ideas on the chalkboard.

Reread the story. Ask the children to pick the idea (by voting) they think Georgia and Tommy will choose. Elicit sentences from the children to write an ending to the story on chart paper.

STORY

A big fence stood between Georgia's yard and Tommy's yard. (Tape picture of fence)

Georgia loved to work in her yard. (Tape picture of Georgia) She liked to plant flowers. (Tape picture of flowers) She had to rake leaves. She loved the way her yard looked. She especially loved the one big tree in her backyard. (Tape picture of tree) She loved to swing from it. She loved to climb it. She loved to sit under it and read stories.

The tree stood right next to the fence which separated her yard from Tommy's. (Tape picture of Tommy) He loved sunshine and so he liked to keep his yard nice and open. (Tape picture of sun) Trees would just get in his way when he played ball. He did not like to spend time raking leaves.

One day Georgia and Tommy had a big argument. Georgia's favorite tree had some branches which hung over Tommy's side of the fence. Tommy hated the tree. It shaded part of his nice sunny yard. In the fall, it dropped leaves on his side of the fence. He hated to have to rake them.

Finally, Tommy couldn't stand it anymore. He took a saw and ladder out in his backyard. Can you guess what he was going to do?

Georgia saw him just as he was about to saw down the tree.

"Stop! Stop!" she cried. "You can't do that to my lovely tree!"

"Your old tree is blocking my sun and dropping leaves in my yard! You shouldn't be allowed to have that tree!"

They argued and argued about the tree.

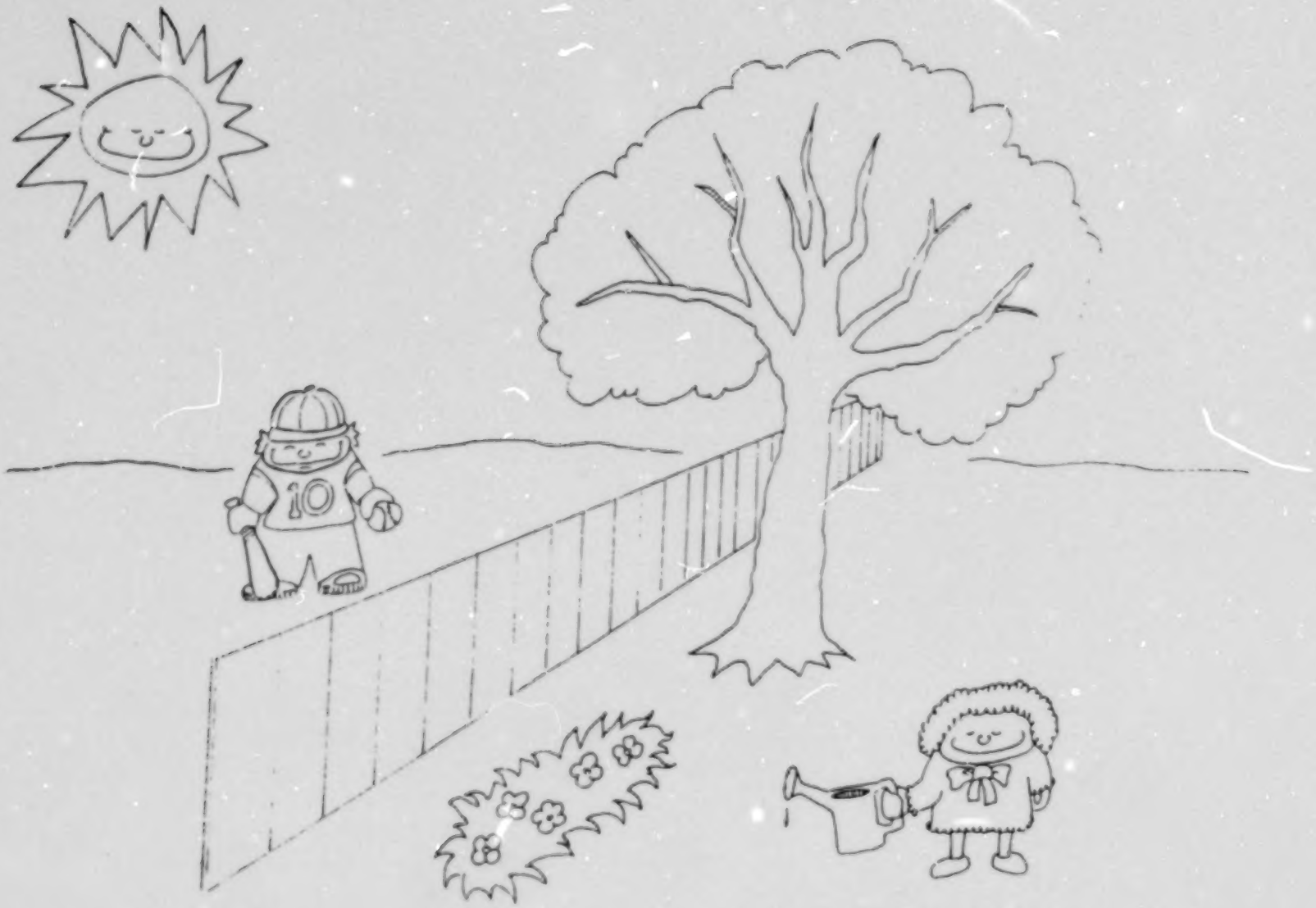
RESOURCE PERSON'S VISIT

Introduce yourself and print your name in large letters the board. You should tell about your family and what you like to do. Then, describe your job. Explain to the students that you know the class has been studying law and you are a lawyer/law student who deals with laws. Then ask students what they think the problem was between Tommy and Georgia in the story they studied. Discuss how Tommy and Georgia could handle their problem. Students will bring up such answers as move the fence, just be friends, etc. Ask the students: "Who owns the tree?" This will allow you to discuss with the students ownership and property rights in very simple terms. Ask one student to describe what it means to "own" something. Explain that the law helps decide what people own if there is a disagreement and people can't decide by themselves.

Finally, you could accompany students on a "law walk" around the block of the school. They could point out examples of ownership such as names on mail boxes, house numbers, auto licenses. Discuss briefly how each is law-related.

FOLLOW–UP

Have students illustrate their walk with a mural.



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Second Grade: Consumer Rights and Responsibilities

BACKGROUND

Teachers have found that getting students in the second grade to think about consumer rights and responsibilities helps to develop critical thinking and decision-making skills. Students understand the need for math skills, also.

PRE–VISIT

In a unit on consumer rights and responsibilities for young children, it is important to establish what a consumer is and for the students to begin to identify themselves as consumers.

One way is to use grocery ads in newspapers. The teacher can divide each class into groups as a family: a mother, a father, sister, brother and baby. Ask the students to decide on meals for one day. What would they buy? What makes everyone in the family a consumer? Ask students in the group to cut out the pictures of the items they want to buy and make a collage. When the resource person visits the classroom, the collages should be on display with students' names on them. The resource person will discuss the responsibility consumers have and why there are laws that protect both the consumers and sellers.

RESOURCE PERSON'S VISIT

At the beginning of the lesson, write your name on the board, tell a little about your family, and explain what a lawyer does, emphasizing consumer law.

Begin by recognizing the collages on display. Ask several students to identify their collage and tell some important reason for choosing their items. Remember, the collages were done in groups. Ask others in the group to add information.

Tell students you will pretend to be a storeowner. Ask one of the students to be a consumer. The consumer will buy a pencil from you. Ask the student to show you the way to buy the pencil. (The consumer gives money to the storeowner and the storeowner gives the pencil to the consumer.) What should the consumer expect from the pencil? What should the seller expect from the consumer? What should the consumer ask for from the storeowner besides the pencil? (Students should know that they should ask the storeowner for a receipt and the reasons why.)

The second part of the lesson deals with the consumer's responsibilities. The resource person might try another pretend situation. Put the name of the storeowner on the chalkboard and then the word store after the name. For example: Linda's Store. Then tell the students that you are a consumer and you are shopping at this store. You go into the store and shoplift something from the store. (You will need a prop, such as an eraser, magazine, toy, etc.) Ask the students to name problems caused by shoplifting. Why is there a law against shoplifting? Points to reinforce with the students are (1) consequences of being taken into custody for shoplifting, and (2) shoplifting causes prices to rise.

FOLLOW–UP

Have students make anti-shoplifting posters and/or a bulletin board. A photo of the bulletin board might be sent to the lawyer or law student. A skit on anti-shoplifting might be presented at a parent meeting.

Third Grade: Legal Authority

BACKGROUND

Students need to understand the need for authority in the home and at school level. The lawyer or law student can assist the teacher in broadening that understanding for the need of lawmakers to have authority in the city, state, and at the Federal level. In this lesson, the lawyer or law student emphasizes this need in explaining a driver's license and marriage license and the legal process involved in obtaining them.

PRE–VISIT

Students need to understand the reasons why there are laws and how laws affect their lives. Students should be able to name the state in which they live. Also, they should know they are citizens of the United States.

Pages of this Guide 26 thru 32, are pre-visit activities from Law In A Free Society's materials on Authority. This excerpt is from a multimedia instructional kit containing a number of sequential activities and while the lessons may be used individually, they are most effective in total. This selection is from the Level II kit for grades two and three.

RESOURCE PERSON'S VISIT

Write your name on the board, tell a little about your life, and explain that you are a lawyer or law student, a person who has been licensed by the state of _____ to represent others in legal matters.

Select a student and ask him or her to come to the front of the room. Present the student with a driver's license, (see pg. 24 for example), and say that you wrote it. Ask the student whether he/she has any problems with the language of the license. In addition, ask whether the student can drive with that license. What makes a driver's license legal and fair to use? Who has the authority to take away a driver's license? Why can a driver's license be taken away? After you have discussed drivers' licenses, have a boy or a girl go up to the front of the room. Give the two students a marriage license and say that *you* wrote it. (example in Guide, pg. 25) You should be prepared for some giggles from the class. Ask students if there is a problem with your writing a marriage license for those two students. Could the students use this license to become legally married? What makes a marriage license legal?

You could go back to the lawyer's license to practice law. Who has the authority to provide this license?

Besides licensing, what other kinds of authority does the government of the state of _____ have?
(your state)

You might brainstorm and list types of government authority on the chalkboard, e.g., court, arrest, taxes, make people go to school. Then, ask what rights citizens have in your state.

FOLLOW–UP

After the discussion with the resource person, the teacher could divide the class into groups of five. Each group is to pretend that they represent a new state. As state officials, they are to write at least three state laws for their citizens.

Let each group share the laws they agreed upon. Students can list those laws on the board. The following questions could then be used for a discussion of the laws:

Who will enforce these laws?

Are the laws easy or difficult to enforce? Explain.

When the discussion has ended, each group can try to rewrite its new laws, incorporating comments provided by the rest of the class.

Driver's License

Made by _____
(your name)

You, _____
(Student's name)

can drive a car whenever

and wherever you want.

Marriage License

Made by _____
(your name)

_____ and _____
(Student's Name) (Student's Name)

are now married.

LESSON TWO

LESSON OVERVIEW

This lesson is designed to help students learn to distinguish between situations in which a person is exercising authority and situations in which a person is using power without authority. Students read a story containing examples of people using power. They learn that individuals who use power and have the right to do so according to custom or law, are exercising authority. Individuals who use power but lack the right to do so are using power without authority.

Students read a story and examine a series of pictures to identify individuals exercising authority and those using power without authority.

MATERIALS

Student book, pages 8-11.

LESSON OBJECTIVES

Given situations in which one person controls or directs the actions of others, students should be able to

1. identify examples of authority and power without authority and
2. explain the basis for their identifications (the distinguishing characteristic being that a person exercising authority has the right, according to custom or law, to control or direct the actions of others).

*From Teacher's Edition, *Authority*, Level II, Law in a Free Society

PROCEDURES

1. Explanation of Authority and Power Without Authority

Remind students that

> When people use power they are telling others to do something or making them do something. Sometimes when people use power, they have a right to do so. In some cases their jobs or the law gives people the right to tell others what to do.

Now write the word "authority" on the board and explain that

> When a person uses power and has the right to do so, we say that person is exercising authority. For example, a teacher can tell students when it is time to draw pictures. In some cases the law gives people the right to tell others what to do. For example, a police officer has the right to tell children where they are allowed to ride their bikes.

Then ask:

- **What other examples can you think of from your experiences of people who exercise authority?**

  Students should be helped to identify examples other than those of teachers and police officers identified above. These may include people in such positions as crossing guards, team captains, playground or hall monitors, principals, judges, the President.

Now write the phrase "power without authority" on the board and explain that

> When a person uses power but does not have the right to do so we say that person is using power without authority. For example, a bully forcing someone to do something is a person using power without authority.

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Then ask:

- **What other examples of people using power without authority can you think of?**

  Students should be helped to identify other examples, such as criminals forcing people to give them their property, specific examples of stronger and/or larger children forcing smaller children to do something, and so on.

2. Reading and Discussion: Distinguishing Between Authority and Power Without Authority

Have students turn to the story, "After School," on pages 8-9 of the student book. Ask students to listen carefully to try to find one example of authority in the story. Have one or more students read the story to the class. Then ask:

- **Do you think the older children had the right to make the younger ones move to the dirt field? Why or why not?**

  Students should understand that the older children probably did not have that right because playing fields usually are used on a first-come, first-served basis. There is no indication in the story that the older children had reserved the field.

- **Do you think the park director had the right to tell the older children where to play? Why or why not?**

  Students should be helped to understand that the park director's job included making sure everyone had a fair chance to use the park.

- **Who in the story was using power without authority? Why do you think so?**

  Students should realize that the older children were using power without authority because they did not have the right to tell the younger children to leave the grass field.

- **Who was exercising authority? Why do you think so?**

  Students should realize that the park director was exercising authority because her job gave her the right to make sure everyone had a fair chance to use the field.

After School

Who is using power? Who is exercising authority?

Hi. I'm Laura. Every day after school, I go to the park to play with some kids in my class. Sometimes we play kickball. Sometimes we play softball. Once in a while, we play hide-and-seek.

Today a bunch of older, bigger kids stopped our kickball game before it was over. They said they would take our ball if we didn't move off the grass to the dirt field. We were very angry, but we were afraid to argue.

8

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So we went to the office of the park director. We told her what had happened. She said, "Don't worry. I'll take care of this." Then we all went back to the grass where the big kids were playing.

The park director stopped their game. She told them to play on the dirt field so we could play on the grass. We felt a lot better.

9

3. Student Book Exercise: Distinguishing Between Examples of Authority and Power Without Authority

Ask students to turn to pages 10-11 of the student book. For each of the four pictures in turn, have a student read the caption. Then ask:

- **Is this picture an example of authority or power without authority?**
  - a. *Picture A shows a crossing guard exercising authority since her job gives her the right to direct traffic.*
  - b. *Picture B shows a boy using power without authority since he had no right to cut in line.*
  - c. *Picture C shows a girl using power without authority. While she has the right to ask other children to be quiet, she does not have the right to "kick" them out of the theatre.*
  - d. *Picture D shows an example of authority. Parents have the right to tell their children to do certain things.*

4. Discussion Based on Students' Experiences

Have students recall examples of authority and power without authority from their experiences.

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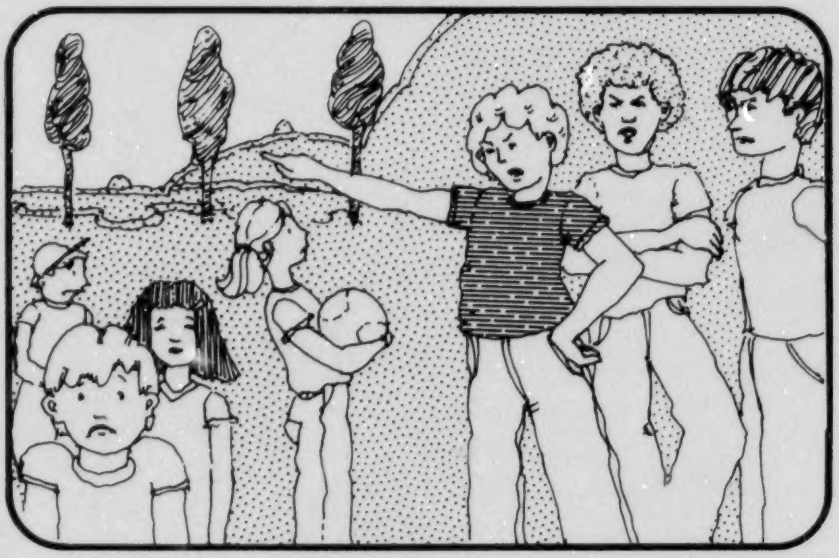
PRE-VISIT ACTIVITIES

After School

Who is using power? Who is exercising authority?



Hi. I'm Laura. Every day after school, I go to the park to play with some kids in my class. Sometimes we play kickball. Sometimes we play softball. Once in a while, we play hide-and-seek.

Today a bunch of older, bigger kids stopped our kickball game before it was over. They said they would take our ball if we didn't move off the grass to the dirt field. We were very angry, but we were afraid to argue.

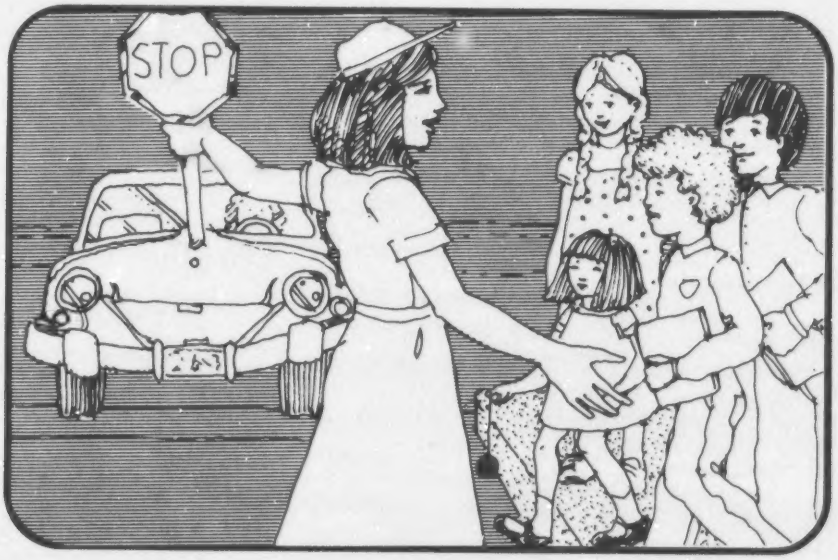
So we went to the office of the park director. We told her what had happened. She said, "Don't worry. I'll take care of this." Then we all went back to the grass where the big kids were playing.

The park director stopped their game. She told them to play on the dirt field so we could play on the grass. We felt a lot better.

Who Has the Right?

Which pictures are examples of authority?

A



The crossing guard says, "OK, children. You may cross now."

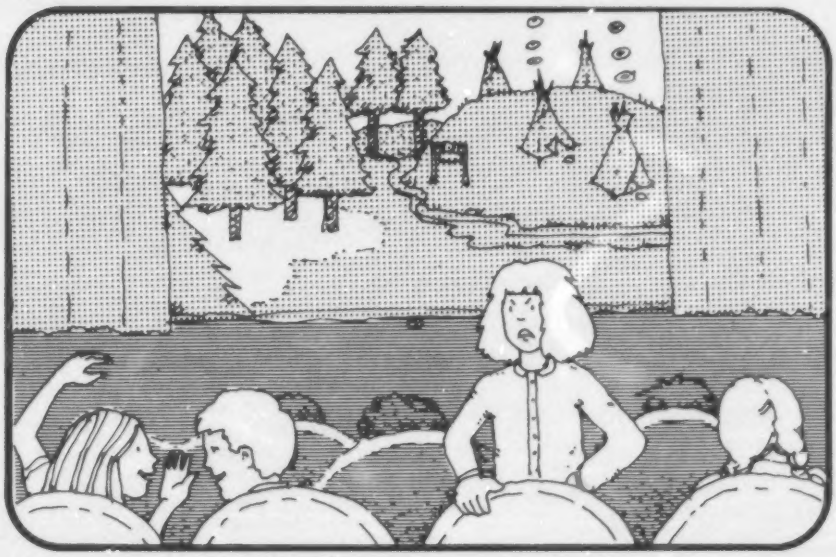
B

"Let me get in line!" said the boy. "I don't have time to wait."

Who Has the Right?

Which pictures are examples of authority?

C



"If you don't stop talking, I'm going to kick you out," said the girl.

D

Penny's father says, "You must take the dog for a walk now."

Fourth Grade: Due Process

BACKGROUND

Usually, it is more effective for students to develop their own working definitions than simply to be provided with a definition. In this lesson, the lawyer or law student works closely with students to help them develop an understanding of due process and come to a practical definition of its application in the courts.

PRE–VISIT

The pre-visit activities on pages 34-38 of this Guide are from Law In A Free Society's materials on Justice. This excerpt is from a multimedia instructional kit containing a number of sequential activities and while the lessons may be used individually, they are most effective in total. This selection is from the Level III kit for grades four and five.

RESOURCE PERSON'S VISIT

Introduce yourself and write your name on the board. Explain what a lawyer or law student does and what kinds of cases you handle or study. Then, write the words "due process" on the chalkboard in large letters.

Explain that you are going to do several different activities and you want students to come up with their own definitions of this legal term.

For the following activity: Bring with you 20 or 25 strips (approximately 1" x 3") of white paper and one piece (same size) of blue paper. Ask each student to take a piece of paper. Explain that the student who has the blue piece of paper is guilty of a crime. The students should have a reaction to this unfair process and might be very vocal. Ask them what is wrong with this way of deciding if someone is guilty or innocent. Would it be better if all the people with white paper were guilty and the person with blue paper was innocent?

Explain that you will give another example to help them develop a definition of due process. Ask students to think of a system of grading for the school year. What should grades be based on? What must a teacher do to set up a fair grading system? Have students explain.

Thus far, the students have developed an understanding of being fair to everyone, basing judgments on criteria of equality and impartiality. Now work with the students to see what they have learned about the application of due process — fair procedure. Explain due process as it applies to the court. Why is due process an important part of the U.S. Court system? Why is due process a right of U.S. citizens? You might list on the chalkboard several steps in a trial, the right to a lawyer and an impartial jury, and the right to hear witnesses against oneself.

FOLLOW–UP

Have students interview the school principal in order to find out what steps are included in school disciplinary action. They could use that information to design school handbooks for other students. This could be a very useful community service project for their school. Parents could be given copies, as well.

PRE-VISIT ACTIVITIES

What Is Justice? *

Introduction

How many times have you said, "That's not fair!" or "It is, too, fair!"? When you were talking about fairness, you were talking about justice. This book is about fairness or justice. The word "fairness" will be used instead of "justice" because it should be more familiar for most students and has about the same meaning.

This book, and the filmstrip that goes with it, should help improve your ability to solve problems of fairness. To begin, look at the three short stories below. Each one contains a problem of fairness. As you read each story, try to find the problem of fairness it contains. Then, be prepared to describe the problem it contains to your class.

- Tom, Maria, and Sam all worked three hours helping Mrs. Chang clean up her yard. Each did the same amount of work. When they were finished, Mrs. Chang paid Maria $6 and gave Tom and Sam $5 each.

- Nancy had been late coming back to class from recess and the lunch period for five days. Her teacher had talked to her about the problem. When she continued to come late to class, she was made to stay after school, and a note was sent to her parents explaining how she had broken the school rules.

- Tony thought someone in the class had stolen his new pen. During recess period he went back into the classroom and searched everyone's desk.

What Do You Think?

1. *What happened in each of the above stories that was fair or unfair?*
2. *What problems of fairness have you seen that are like the problems in the above stories?*
3. *How might problems of fairness like those in the above stories happen to adults in your community?*

*From Teacher's Edition, *Justice*, Level III, Law in a Free Society

One section of the materials deals with studying problems of due process which is called, "How Can You Solve Problems Of Fair Ways To Find Out Things and Make Decisions?" After watching a filmstrip, students are asked to make a decision in the following hypothetical situation that you might wish to try with your students.

LESSON 10

HOW WOULD YOU SOLVE THIS PROBLEM OF FAIRNESS?

Making a Decision

Directions: *Read the following story. Then*

- *Write your answers to the questions on the chart that follows that story on a separate piece of paper. (The chart contains the steps and ideas you have just studied.)*
- *Use you answers to decide how you think the problem of fairness in the story should be solved.*

Demos Elementary School was a good school with good teachers. But, Demos was in a community where there was not much money to support schools. It had most of the things needed to run a school. There were enough classrooms and desks for all of the students. There were enough textbooks, paper, and pencils.

Demos school did not have many of the things schools in other communities had. Its library was very small and there were not enough books for the students. There were not enough supplies for art lessons or musical instruments for music classes. There was no motion picture projector or TV set. The equipment in the kindergarten playground was so old that most of it was too dangerous to use. There were often not enough balls for upper grade students to use at recess. The lines marking areas on the playground were so faded that many could not be seen.

Each year, the principal tried to raise extra money for the things that were needed most. She did this with the help of the teachers, students, and their parents. Each year a different activity was planned to raise money. They had carnivals, bake sales, and paper drives.

This year the school had a successful paper drive. Everyone had worked very hard. When it was over they had earned $1,000 for their school. Then, a decision had to be made. How should the $1,000 be spent? It would not buy all that was needed, but it could buy some of the things most needed and wanted.

The principal was responsible for deciding how the money would be spent. Each year, before making her decision, she gathered the suggestions of students, teachers and parents who had helped. These are the steps she used to do this:

1. She asked each class to elect a student representative. Each representative was to gather suggestions from members of his or her class on how the money should be spent.
2. She asked all of the teachers to elect a teacher representative. The teacher representative was to gather suggestions from the teachers on how the money should be spent.
3. She asked the parents to select two parent representatives. The parents were to gather suggestions from as many parents as they could on how the money should be spent.
4. Then, she held a meeting for all of the representatives. Each representative was responsible for presenting a list of the suggestions he or she had gathered. The principal put the suggestions on the blackboard for discussion. Then the representatives chose the six suggestions they thought were the best.
5. Each student representative then took the list of six suggestions back to his or her classroom. All of the students then had a chance to discuss the suggestions and vote for the three they wanted most.
6. A group of students counted the votes and gave the principal the results. Then she made her decision.

This year, the representatives chose the following six suggestions. They were to use the money to buy

1. New playground equipment for the entire school.
2. New playground equipment for the Kindergarten.
3. A motion picture projector.
4. A TV set.
5. Art supplies.
6. Musical instruments.

When the vote of the students was counted, they had suggested the money be used for

1. New playground equipment for the entire school.
2. A TV set.
3. A Motion picture projector.

The principal knew there was enough money to buy a motion picture projector and a TV set but not much would be left over for playground equipment for the entire school. She also knew that playground equipment for the kindergarten was needed more than for the other grades. She thought that one reason most students had not voted for kindergarten equipment was that most of them were too old to use it.

She decided to use the money to buy the motion picture projector and the TV set. What money was left, she decided to use for new playground equipment for the kindergarten instead of for the whole school.

Most of the students, teachers, and parents were satisfied with the way the principal reached her decision, but some were not. Some thought she had been unfair in not choosing to use the money to buy art supplies and musical instruments just because a majority of students had not voted for them. Others thought she had not been fair in choosing to use money for kindergarten equipment when a majority of students had voted to use it for equipment for the entire school.

Ideas to Use in Solving This Kind of Problem

Questions	Your Answers
1. What information was the principal trying to gather and what decision was being made?	
2. Were the ways she gathered information and made her decision fair? To answer this question, first answer the questions below. a. Did she *gather all of the information* she needed to make a wise and fair decision? b. Did she give people who might be affected by her decision the *right to present their ideas and opinions?* c. Did she let people *have friends or representatives* speak for them? d. Did she *tell people ahead of time* that she was gathering information to make a decision? e. Was she *prejudiced* in favor of anyone? f. Could students, teachers, and parents see how she was gathering information and making a decision? g. Were there ways to discover and correct mistakes if she made a bad decision? h. Did the way she did things protect peoples' rights to privacy, freedom, and human dignity?	

What Do You Think?

1. *Explain what you think was fair or unfair about the way the principal gathered information and made her decision.*
2. *Explain any improvements you think should be made in the way the principal gathered information or made her decision.*

Fifth Grade: Consumer Rights and Responsibilities — II

BACKGROUND

In the fifth grade, in St. Louis, students study consumer rights and responsibilities. The Urban Consumer Education Project is a cooperative program between the Missouri Attorney General and the St. Louis Public Schools' Law and Education Project. A Consortium Advisory Board provides resource people who are an integral part of the consumer program. Lawyers from the Young Lawyers' Section of the Metropolitan Bar Association provide classroom visits, as do law students from Washington University Law School and St. Louis University Law School. The program uses the *Young Consumers* Second Edition textbook, West Publishing Company, 1980. The following lesson is adapted from Lesson 27 of this text. Students create cartoon stories about personal consumer situations which are sent to the resource person before the visit. The resource person is able to see what problems students and their families have had, do some research if it is required, and be able to refer to student work during the visit.

PRE–VISIT

The teacher should ask the students to look over the cartoon story in *Young Consumers*, Lesson 27.

BILL SPOTS A BARGAIN.
BILL BUYS THE SNEAKERS BECAUSE HE THINKS HE IS GETTING A DEAL. BUT
GAD! THE SOLE CAME OFF AFTER ONLY ONE JUMP SHOT!
THROW THEM AWAY AND I WILL LOSE MY $2.99
ASK FOR A NEW PAIR?
ASK FOR MY MONEY BACK?
THE CLERK WAS SO NICE I HATE TO BOTHER HER.

1 2 3 4

From *Young Consumers*, Second Edition, Law in Action Series, West Publishing Company, 1980.

The teacher should have students draw their own story in cartoon style about some situation they or their family or friends have run into when buying things. It could be about a good experience or a problem they had. The students' cartoons should be sent to the lawyer or law student resource person at least a week before the visit. It is important that the cartoon stories be readable and have the format similar to the one below.

CARTOON STORY

1 2 3 4

As a preparation before the resource person's visit, the teacher might want to review with the students the words: fraud, complaint, responsibility, and contract.

RESOURCE PERSON'S VISIT

In advance of the visit, go over the students' cartoon stories. The ones that get across points of law or ways of handling complaints will be the most helpful to your presentation. You might want to group the cartoon stories that are similar. The more you can use the students' names in the classroom the more involved they will be.

In the classroom, introduce yourself and explain how you got to be a lawyer or if you are attending law school what is involved in becoming a lawyer.

Hold up one of the cartoon stories and describe what is happening in the story, and ask for ways students might handle the situation. Then suggest some other ways of handling the consumer situation. In going over the students' cartoon stories, it is very important to refer to students by name and discuss the positive points about their stories.

FOLLOW-UP

Ideas for follow-up might include having students use one of the cartoon stories to make a bulletin board about the problem and include a paragraph on the best way to handle the problem.

Sixth Grade: Lawmaking

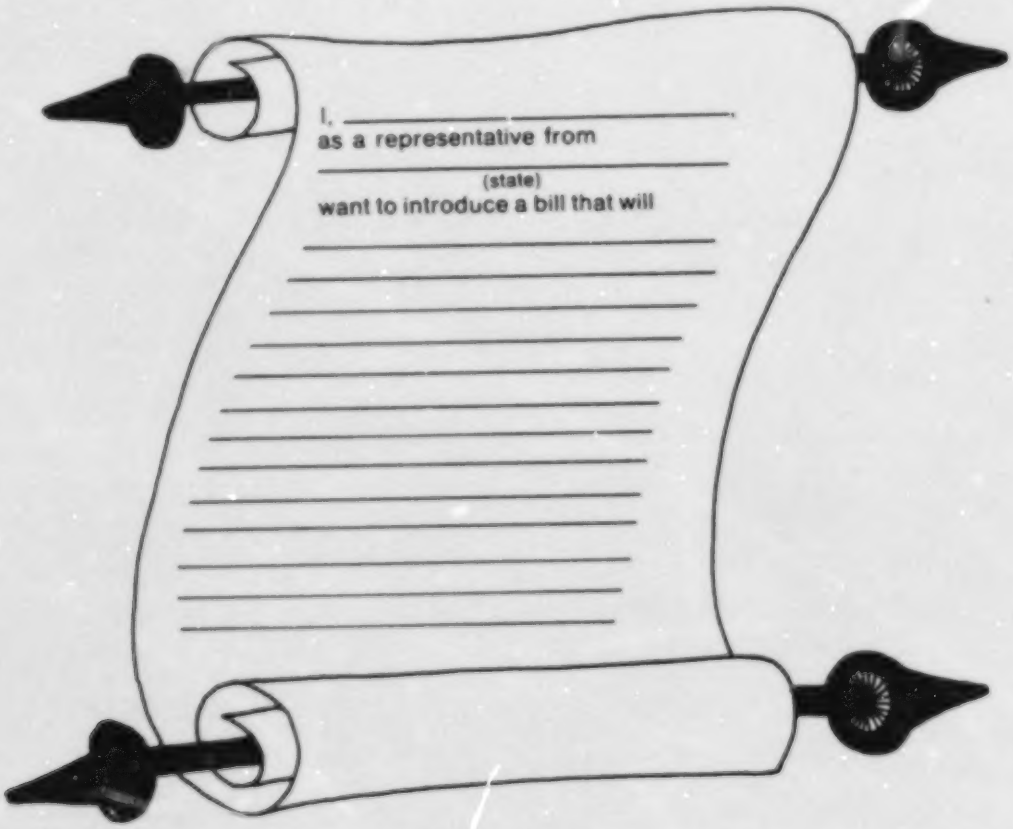
BACKGROUND

The lawyer or law student can be an invaluable resource in a lesson on lawmaking. The role he or she can play is to reinforce the importance of drafting a carefully conceived and well-written bill. In doing a lesson on the writing of a bill, the resource person also has a wonderful opportunity to reinforce basic skills of writing and reading. In sixth grade, students are at a very formative age. Students who have studied lawmaking have a better understanding of the U.S. legislative system. Also, they are better able to understand that it is difficult and time-consuming to write good legislation and get it passed.

PRE–VISIT

The resource visit is taken from Lesson 18 of *Lawmaking*, Second Edition, West Publishing Company, 1980. The teacher needs to stress the following: what is a law, how laws are made, the legislative process, important points to cover when writing laws, (e.g., who is covered under the law). Vocabulary words such as laws, enforce, and penalty should be reviewed.

Students should write a bill that will deal with the energy crisis. The bills should be sent to the resource person a week before the classroom visit. This format has been particularly successful.



RESOURCE PERSON'S VISIT

If the bills are received beforehand, select several to discuss with the class. Make a list of the points that are similar and plan to give credit by name to the students in the class.

In the classroom, introduce yourself and explain how you got to be a lawyer or if you are attending law school, what is involved in becoming a lawyer.

Use the sample bills as a starting point for discussion. Refer to students' work, being careful not to degrade their work by pointing out errors. Focus on positive aspects of their bills and lead into a discussion of why legal language is usually complex and how important it is that the words of the laws communicate the meaning of the laws clearly. Points to be discussed could include: vague words, making certain a proposed law does not conflict with other laws, what values these laws portray to the society, and whether the penalty for disobeying is fair and just.

A copy of a real law or a copy of an actual bill, possibly under consideration, could be discussed with the students and left with them for a possible follow-up activity.

FOLLOW–UP

Students could use the newspaper to keep a narrative timeline of progress on the passage of a local bill. They could write to their local representative for further information pertaining to a particular bill or law.

Seventh and Eighth Grade: Juvenile Court Proceedings

BACKGROUND

Seventh and eighth grades are often difficult times for the young adolescent. The student can be at an awkward age, influenced by peer pressure and anxious for approval. This can be an age of mischievous behavior and perhaps some serious problems with the law. The sample lesson for the resource person is aimed at helping to put on a mock juvenile hearing of a child abuse and neglect case. The case helps the students have a broader perspective of the court and the responsibilities of court personnel. The lawyer or law student assists with the hearing by making certain that there are no blatant errors of due process and by debriefing the case with the students. The following hearing and debriefing questions are from *Juvenile Problems and Law*, Second Edition, West Publishing Company, 1980.

In junior or middle school settings, classes are generally taught in fifty-minute time periods. A mock juvenile trial may take more than one class period. The time consideration will definitely need to be discussed with the teacher.

PRE–VISIT

The teacher should teach a brief history of the juvenile court and if possible, go over the Gerald Gault case, a landmark case about treatment of juveniles by courts. *In re Gault* (1967), 387 U.S. 1, 87 S.Ct. 1428, 18 L.Ed. 2d 527. Students should understand words such as: due process, judge and juvenile hearing. *Juvenile Problems & Law* has lessons dealing with these areas, as does the Constitutional Rights Foundation publication, *Criminal Justice*, Scholastic Books, 1978. The attached hearing, pages 43-57, should be prepared and presented for the resource lawyer.

RESOURCE PERSON'S VISIT

Introduce yourself and tell students where you work, what kind of law you practice, and describe your law school experience. Any experience with the juvenile court in a legal capacity with a specific example could be highlighted. Have the students put on their hearing for you. You need to keep notes of the hearing. After the hearing, it is important for the students to see that you thought they did a good job. Point out as many positive points as possible. In the debriefing, bring up points of major law and due process, keeping in mind that they should be communicated from a positive standpoint. For example, "You did a good job with questioning the witness but it is important to bring out . . . such and such." Sample debriefing questions are in the last page of the hearing attachments. Open the discussion for questions within the time remaining.

FOLLOW–UP

Students could present their hearing for another group of seventh or eighth grade students, incorporating the changes suggested by the lawyer. They could lead up to, but not provide the decision of the juvenile judge in the case. The audience could then suggest outcomes, giving reasons for their ideas. Afterwards, the seventh or eighth grade teachers could briefly discuss what they have learned about the juvenile court.

Note to teacher: The problem of child abuse and neglect has been given more public attention in recent years. Many more cases are now being reported because state laws now mandate certain professionals to report suspected child abuse or neglect. Also persons reporting cases are protected from liability through the immunity from liability clause which protects those who report in good faith. The difficulties that social service agencies are now facing are numerous: defining abuse and neglect, responding to large numbers of reports, and providing services to families who have been identified as abusing or neglecting their children. Definitions of child abuse vary from state to state. Although many state laws include definitions of "physical abuse," "neglect," "sexual abuse," and "emotional maltreatment," there is often little guidance as to when and under what circumstances such conditions warrant legal intervention.

Child abuse and neglect is a developing area of law. Important questions are being raised such as: "What degree of abuse or neglect warrants taking a child from his/her home?" and "What responsibilities does a community have to provide services to help and teach parents so that they can do a better job of caring for their children?"

You might want to take time to involve students in thinking about some of these questions. A lawyer or social service worker who handles child abuse cases would be your best source of up-to-date information. A resource person such as a juvenile court worker or social service worker would be able to help with the mock hearing as described in this lesson. This person could provide forms used in your local juvenile court. It may be difficult for the students who play the lawyers, the judge, and the guardian ad litem to think of effective questions to ask during the hearing. It would be helpful if a teacher or a resource person could help them develop questions to ask in preparation for the hearing. A main purpose of this lesson is to involve the students in understanding how juvenile courts handle child abuse cases and to examine the issues involved in the problem of child abuse. If you wish to have students learn more about trial process, see *Courts and Trials*, Second Edition, Law in Action Series.

From *Juvenile Problems and Law*, Second Edition, Law In Action Series, West Publishing Company, 1980.

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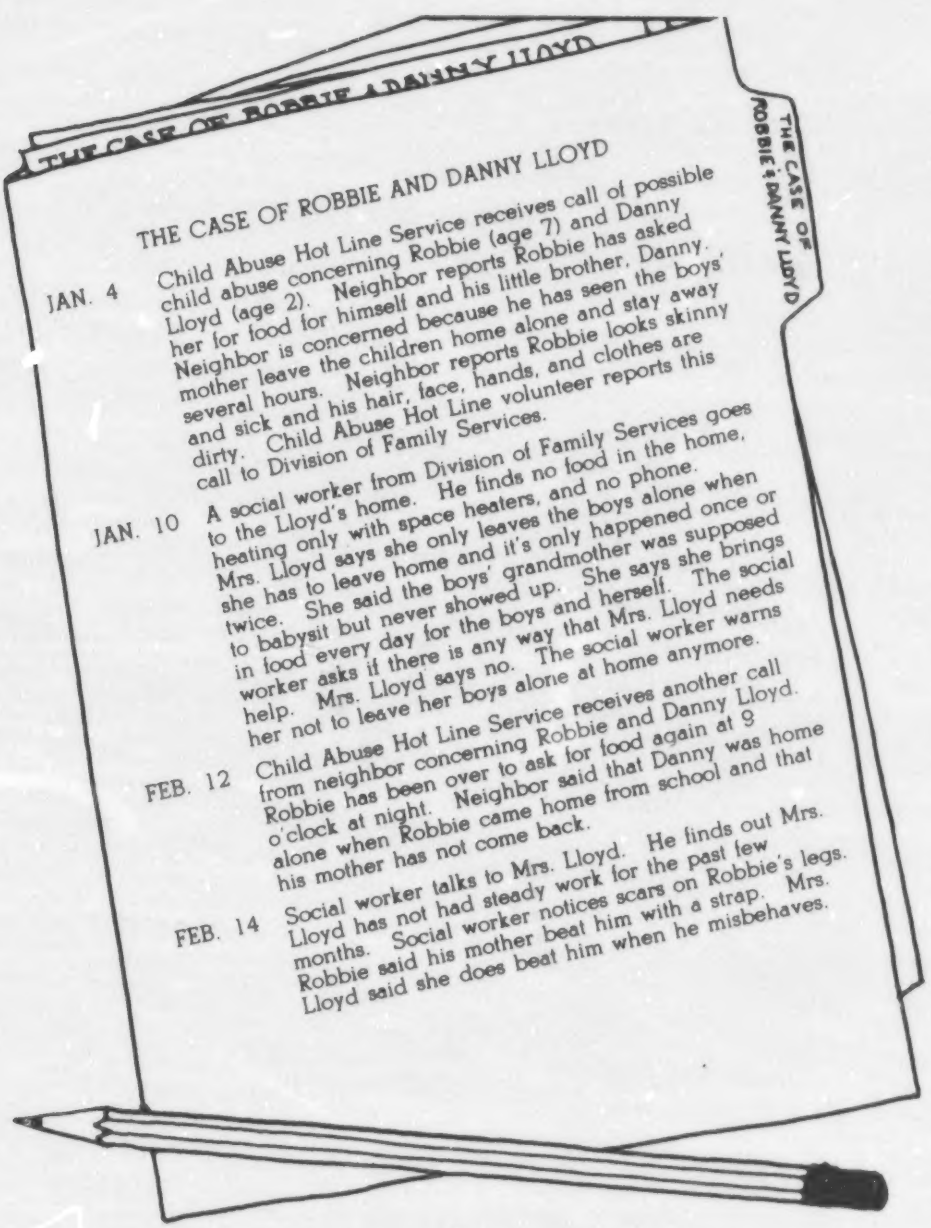
The Hearing

Juvenile Courts have two hearings to handle child abuse and neglect cases. The first hearing is the adjudicatory, or fact-finding, hearing. The lawyers ask the witnesses questions to bring the facts of the case before the court. The judge makes a decision. If the judge decides it is a case of child abuse or neglect, then the court has the power to do something about it.

The second hearing is the dispositional hearing. At this hearing the court decides what should be done. Usually a social worker who has studied the possible alternatives makes a recommendation to the judge. The lawyers can argue about this recommendation if they don't think it is fair. The judge makes the final decision. At this hearing there is another lawyer called the Attorney Ad Litem, or Guardian Ad Litem. This lawyer is appointed by the court to protect the child's interest during this hearing. (Ad litem means "at the trial" or "for the suit.") This lawyer's job is to make sure that what the court decides to do is in the best interest of the child.



THE CASE OF ROBBIE AND DANNY LLOYD

JAN. 4 Child Abuse Hot Line Service receives call of possible child abuse concerning Robbie (age 7) and Danny Lloyd (age 2). Neighbor reports Robbie has asked her for food for himself and his little brother, Danny. Neighbor is concerned because he has seen the boys' mother leave the children home alone and stay away several hours. Neighbor reports Robbie looks skinny and sick and his hair, face, hands, and clothes are dirty. Child Abuse Hot Line volunteer reports this call to Division of Family Services.

JAN. 10 A social worker from Division of Family Services goes to the Lloyd's home. He finds no food in the home, heating only with space heaters, and no phone. Mrs. Lloyd says she only leaves the boys alone when she has to leave home and it's only happened once or twice. She said the boys' grandmother was supposed to babysit but never showed up. She says she brings in food every day for the boys and herself. The social worker asks if there is any way that Mrs. Lloyd needs help. Mrs. Lloyd says no. The social worker warns her not to leave her boys alone at home anymore.

FEB. 12 Child Abuse Hot Line Service receives another call from neighbor concerning Robbie and Danny Lloyd. Robbie has been over to ask for food again at 9 o'clock at night. Neighbor said that Danny was home alone when Robbie came home from school and that his mother has not come back.

FEB. 14 Social worker talks to Mrs. Lloyd. He finds out Mrs. Lloyd has not had steady work for the past few months. Social worker notices scars on Robbie's legs. Robbie said his mother beat him with a strap. Mrs. Lloyd said she does beat him when he misbehaves.

Note to teacher: Many cities and counties as well as states have a child abuse hotline service which works closely with the Family Services Agency run by the state. Volunteers receive phone calls of possible child abuse and report these calls to the social worker who works for the Family Service Agency.

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FEB. 15 Social worker reports possible case of child abuse and neglect to juvenile court. Social worker writes up a petition which states the reasons why the case of Robbie and Danny Lloyd is being brought to court.

In The Circuit Court Of Jackson County, Missouri
Juvenile Division
Kansas City, Missouri 64108
625 E. 26th Street

PETITION

IN THE INTEREST OF:

Robert Lloyd/Daniel Lloyd — **NAME**
PETITION NO. 64807

1042 Woodacre — **ADDRESS**
FILE NO. 39288

4-21-72/1-31-77 — **BIRTHDATE**

The parents or legal guardian of the child/children are:

father deceased / Mary Lloyd
(Father) **(Mother)**

and they reside at:

1042 Woodacre

The person having legal custody of the child/children is:

Mother

Comes now the Juvenile Officer, within and for Jackson County, Missouri, and alleges that the child is within Jackson County, Missouri, and is in need of the care, treatment and services of the court because:

The environment of Robbie Lloyd and Danny Lloyd is harmful to their own welfare because the person legally responsible for their proper care and supervision fails, or is unable, to properly provide such, in that

Robbie and Danny are left alone at home continually for several hours at a time

there is unsafe heating in their apartment

Robbie shows scars resulting from being whipped with a strap

Mrs. Lloyd does not feed the boys properly

Mrs. Lloyd has not been able to hold a steady job

Petitioner states that this is a physically, psychologically, and emotionally harmful environment for the children to live in.

WHEREFORE, petitioner prays the court to sustain this petition and to order appropriate supervision, care, examination, treatment, detention, placement, commitment, change of custody, or other disposition of said child as provided under provisions of chapter 211, R.S.Mo as amended.

A copy of the foregoing petition mailed/delivered this 15th **day of** Feb. **19**79 **to** Legal Aid, **Attorney for said child.**

Barry Horwitz
Juvenile Officer of Jackson County, Missouri

JUVENILE OFFICER

By _____ **DEPUTY**

BEST COPY AVAILABLE

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FEB. 16 Social worker takes Robbie and Danny Loyd and places them in foster care until the hearing.

FEB. 19 Mrs. Lloyd receives notice from juvenile court that she must appear for a court hearing.

In The Circuit Court Of Jackson County, Missouri
Juvenile Division
Kansas City, Missouri 64108
625 E. 26th Street

NOTICE TO PARENT/GUARDIAN, CHILD
OF COURT HEARING

Robert & Daniel Lloyd — PETITION NO. 64807
IN THE INTEREST OF — FILE NO. 39288

1042 Woodacre
ADDRESS

4-21-72/1-31-77
BIRTHDATE

Enclosed is a copy of the Petition/Motion to Modify filed in the interest of the above named child(ren). If you have obtained an attorney to represent your child(ren), I would appreciate being notified as to his name. Thank you for your co-operation in this matter.

The Court Hearing is set for:

DAY:
DATE:
TIME:

Sincerely,

Administrative Supervisor

FORM 044-COR
3-5M-7/76

Note to students: Fill in the DAY, DATE, and TIME of the hearing with the day, date, and time when your class plans to hold this hearing.

Note to teacher: The juvenile court can take temporary measures to protect the child by removing him/her from the home even before the hearing, if it is determined that it is necessary for the child's safety.

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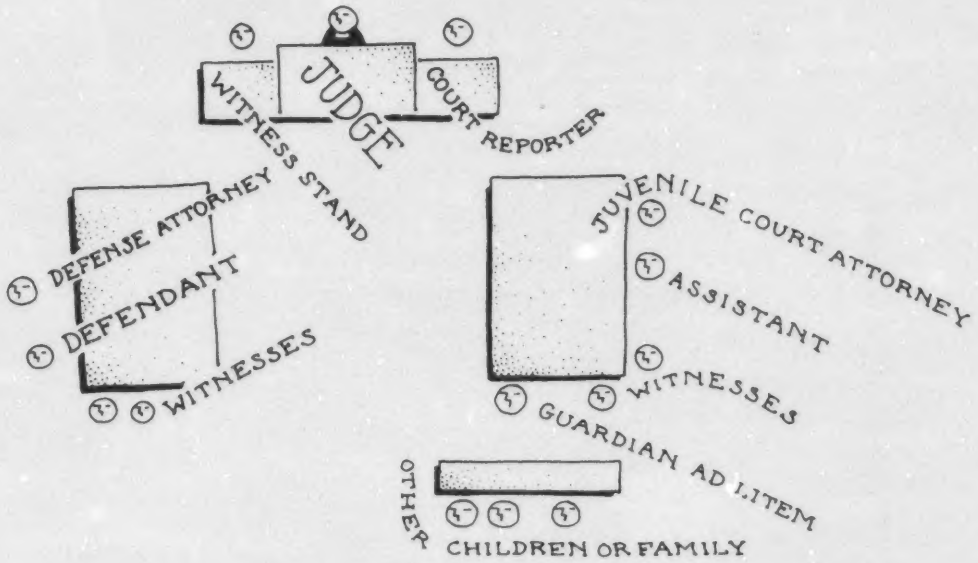


For your hearing you will need people to take the roles of:

Judge
Court reporter
Clerk
Bailiff
Juvenile court attorney/attorney's assistant
Defense attorney/attorney's assistant
Guardian ad litem
Mrs. Mary Lloyd, mother
Robbie Lloyd, juvenile
Mrs. Martha Cooper, grandmother
Mr. Barry Horwitz, social worker

Note to teacher: To make additional learning opportunities, you might have lawyers work in pairs or put on two separate hearings, or have the people who observe the trial use an observation form to look for specific aspects of the hearing.

Remind students that a juvenile court hearing, unlike a trial, is confidential. Student spectators would not be allowed in a real hearing. Students might discuss why juvenile hearings are confidential.

To prepare for the hearing, have all students read through the role descriptions. Then have students choose the roles they want or assign students to roles.

TO PREPARE FOR THE HEARING

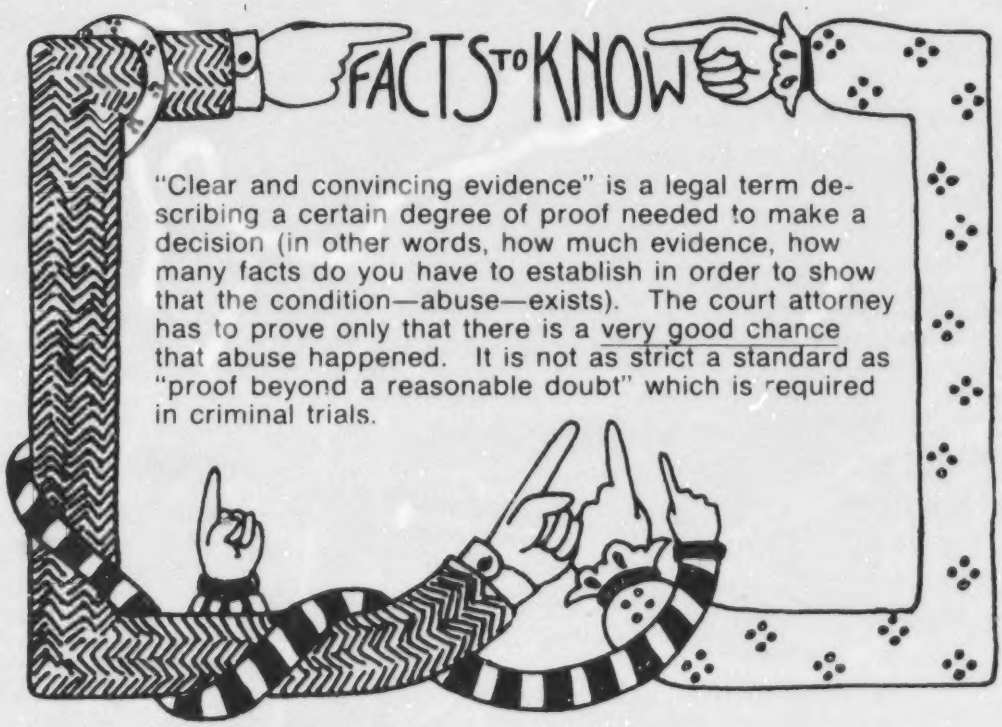
Read through the following descriptions for the hearing. After reading what is expected of each person, decide who will play each role at your hearing.

1. **Juvenile Court Attorney**—one student can be the attorney and one can be the attorney's assistant.

The juvenile court attorney's job is to prove with "clear and convincing evidence" that Robbie's and Danny's situation is harmful to them. You must prove that, for the reasons stated in the petition, the environment Robbie and Danny live in is harmful to their welfare. Your job is not to prove that their mother is guilty of any crime but to prove that the children are in fact being abused and neglected.

To prepare for the hearing talk with the social worker and Robbie. Make sure you understand what their stories are. Think about the questions you plan to ask them during the hearing. Ask the judge to explain the types of questions you are not allowed to ask (page 67).

At the hearing you will call the social worker to the witness stand first. Then you will call Robbie to the stand.


FACTS TO KNOW
"Clear and convincing evidence" is a legal term describing a certain degree of proof needed to make a decision (in other words, how much evidence, how many facts do you have to establish in order to show that the condition—abuse—exists). The court attorney has to prove only that there is a very good chance that abuse happened. It is not as strict a standard as "proof beyond a reasonable doubt" which is required in criminal trials.

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2. **Defense Attorney** (for Mrs. Lloyd)—one student can be the defense attorney and one student can be the attorney's assistant.

Your job is to prove that Mrs. Lloyd is taking good enough care of her children, and that the juvenile court has no right to step in and tell Mrs. Lloyd what to do with her children.
At the hearing you should try to bring out information that is favorable to Mrs. Lloyd such as:

a. Mrs. Lloyd did not leave her boys alone except a few times when their grandmother didn't show up.

b. Mrs. Lloyd has little money, she heats the apartment, feeds and cares for her children the best she can with the little money she has.

c. Mrs. Lloyd cares about her children and wants them to live with her.

To prepare for the hearing talk to Mrs. Lloyd. Make sure you understand the story she will tell at the hearing. Think about the questions you will ask her and the other witnesses.
Ask the judge to explain the types of questions you are not allowed to ask (page 67).

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Instructions to

It is your job to present the facts as YOU SEE THEM.

ROBBIE

You are the seven-year-old son of Mrs. Lloyd. This is your testimony. "I am seven years old. My brother, Danny, is two years old. I babysit him when my mom goes out. Sometimes she is gone when I get home from school and doesn't come home until after I go to bed. One day I stayed home from school to take care of Danny. I can do things for myself. I make my own breakfast every day. We don't have much food and I get hungry a lot. My favorite foods are potato chips and candy bars."

MRS. MARY LLOYD

You are the mother of two children. You are accused of abusing and neglecting your children. This is your testimony. "I am thirty-five years old. I work odd hours doing cleaning mostly. The boys' grandmother says she will babysit when I need to go out, then she doesn't show up. What am I supposed to do? We are poor. I do the best I can. I think Robbie is old enough to make his own breakfast and to look after Danny sometimes. I beat Robbie when he misbehaves. I think that is the best way to make him mind."

MRS. MARTHA COOPER, GRANDMOTHER

You are Mrs. Lloyd's mother and the grandmother of Robbie and Danny. This is your testimony. "I can babysit but I never know for sure when I'm supposed to. I can babysit at night but not during the day because of my job. My daughter doesn't like me messing in her business so I don't offer advice unless she asks me. There were a few times I didn't show up for babysitting because I got sick."

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SOCIAL WORKER, MR. BARRY HORWITZ

You work for the Division of Family Services. You have been a social worker for 3 years. You investigate reports of child abuse. During the hearing the juvenile court attorney will ask you to give a full report on the case of Robbie and Danny Lloyd. This is your testimony:

"On Jan. 10 I called on the Lloyds to investigate the report made by their neighbor. I found that they lived in a small apartment. Only space heaters were used to heat the apartment. These are dangerous around young children. There was hardly any food and no phone in the home. Mrs. Lloyd said she only left her boys alone at home when it was necessary. She tried to get their grandmother to babysit, but she had no money to pay babysitters. On the first visit I warned her that it was dangerous to leave a seven year old alone with a two year old because in case of an emergency a seven year old would not know what to do. After the second Hot Line report I called on Mrs. Lloyd again. I found nothing changed in the apartment. I noticed scars on Robbie's legs that looked like they were made with a strap or an extension cord. Mrs. Lloyd admitted she beat Robbie with a strap to punish him. Mrs. Lloyd told me to mind my own business and leave her alone."

At this time reread the Report, read pages 59-61, and read over your testimony at the hearing, page 70. Based upon information contained in these readings decide what recommendation you will make to the judge concerning what should be done in this case. Write down your recommendation: include the reasons why you decided as you did. Before the hearing give a copy of your recommendation to the judge. Be prepared to explain your recommendation at the dispositional hearing.

In cases of child abuse and neglect a court can:

—order counseling for one or more family members
—order classes in parenting and child care
—allow a child to stay with the family under supervision of a social worker
—place a child in a foster home for a short time
—place a child in a foster home for a long time
—commit child or family member to be evaluated by doctors
—terminate (end completely) parental rights and have child adopted by another family

JUDGE

Your job is to listen to all the testimony. You sustain or overrule any objections made by the lawyers. Lawyers may not ask questions that:

1. Browbeat the witness
2. Are leading questions, such as, "You do think this boy is abused, don't you?"
3. Are biased questions, such as, "How can a mother like you be responsible for a child?"

(Before the hearing, explain to the lawyers that they are not allowed to ask these kinds of questions.)

After the lawyers have asked the witnesses questions, you may also question the witnesses or the lawyers if you don't understand something. It is your responsibility to decide if Robbie and Danny are being abused and neglected. Make your decision based on facts that are brought out at the hearing.

If you decide Robbie and Danny are abused and neglected, you must then decide what needs to be done about it. You will make this decision after you read and listen to the recommendation made by the social worker. The possible choices are on page 66.

Note to teacher: A "court referee" or "court officer" might act as judge in some juvenile courts.

For more information on rules of questioning and evidence see *Courts and Trials,* Second Edition, Law in Action Series, West Publishing Co., 1980.

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THE COURT REPORTER

It is your job to take down every word that is said by the lawyers, judge, and witnesses during the hearing. In actual hearings court reporters have machines they use to take down every word quickly. The words you take down become a transcript. If, later on, someone had a question about the case, they would look at the transcript. Since you won't be able to use this machine, try to locate a tape-recorder that you could use the day of the hearing.

THE BAILIFF

Your job is to keep order in the courtroom. You take care of misconduct or an emergency; for example, if there is any unruly behavior or if someone faints or gets sick.

THE CLERK

Your job is to swear in the witnesses when they come up to the witness stand. It is also your job to handle any evidence or documents.

THE GUARDIAN AD LITEM

You are the lawyer who represents only the child. During the dispositional hearing when the court decides what should be done with the child, it is your job to make sure that the action taken is in the best interest of the child. You can ask the lawyers or any witness questions during the disposition part of the hearing.

Note to teacher: Many juvenile courts do not have either a bailiff, a clerk, or both. Because it is an informal hearing, the judge or referee would handle documents and evidence and swear people in. Since some courts do have both, we have included these parts in order to have two more students involved in the role play.

A MOCK JUVENILE HEARING

I. THE ADJUDICATION

Bailiff: Please remain seated. The court of Judge _____ will come to order.

Judge: What do we have on the docket today?

Juvenile court attorney: This is the matter of Robert and Daniel Lloyd. The people present in the courtroom are (name all people present in courtroom who are involved in the case.)

The children, Robert, age 7, and Daniel, age 2, are in the courtroom. Shall I read the charges made in the petition?

Defense attorney: Yes.

Juvenile court attorney: (Reads the petition. Then says) Do you admit or deny this petition?

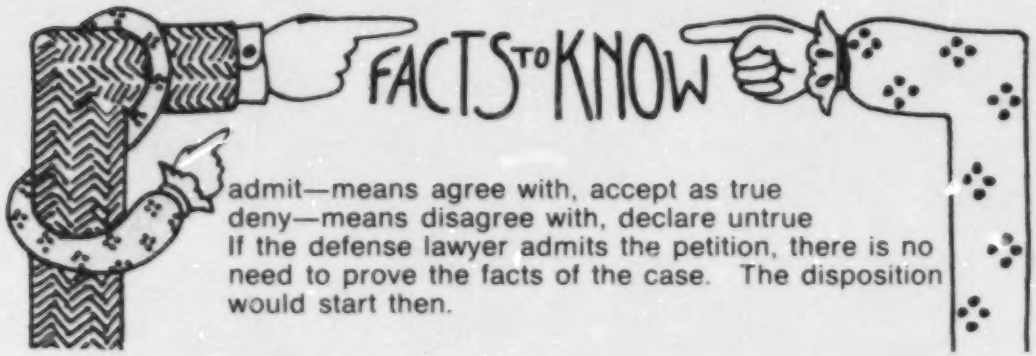
Defense attorney: I deny the petition.

Juvenile court attorney: I call _____ to the stand.
(name of first witness)

Judge: Be sworn in by the clerk.

Clerk: Hold up your right hand. Do you swear that the testimony you give in this cause will be the whole truth and nothing but the truth?

The juvenile court attorney begins questioning his or her witnesses. Then the defense attorney can cross-examine these witnesses. After all the witnesses for the juvenile court attorney have testified, the defense attorney may call witnesses. Each witness must be sworn in by the clerk before taking the stand.


FACTS TO KNOW
admit—means agree with, accept as true
deny—means disagree with, declare untrue
If the defense lawyer admits the petition, there is no need to prove the facts of the case. The disposition would start then.

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Judge: (After hearing the testimony given by the witnesses and asking them questions of your own, you must decide if Robbie and Danny have suffered child abuse and neglect. State your decision to the court.)

If the judge decides that this is a case of child abuse, the hearing will move directly into the second part—the DISPOSITION. If the judge decides that there is no child abuse the hearing is over.

II. THE DISPOSITION (usually same time)

Juvenile court attorney: I want to call the social worker back to the stand. Have you made a careful study of the case of Robbie and Danny Lloyd? Are you ready to make a recommendation to the court?

Social worker: Yes, I have studied the case carefully. In the past month I was able to help Mrs. Lloyd find a steady job as a waitress. She will work in the evenings when her mother can babysit with the boys. The grandmother has agreed to do this. Mrs. Lloyd will have more money now to care for her family. I am still concerned that her way of punishing her boys could be harmful to them. Also of concern is the fact that Mrs. Lloyd does not know the value of good eating habits. She may not use her money to buy nutritious food for the boys, but rather may buy snack foods. She needs to purchase a better, safer heater for the apartment. She says she wants the boys with her. I am recommending _____ (at this point explain your recommendations to the court).

Guardian ad litem: (Questions the social worker to make sure that the recommendations are in the best interest of the boys.)

At this point, each of the lawyers and the judge may ask questions of anyone involved in the hearing. The mother, the grandmother, and Robbie can be questioned to make sure they are willing to follow through on their responsibilities.

Judge: (At the end of the discussion, the judge states the disposition.)

"It is therefore ordered that the juvenile be _____

_____

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DEBRIEFING

1. Do you think the hearing was a fair way to resolve (work out) this problem of possible child abuse and neglect? Did you feel the judge's decision was fair to the children and to the parent? Explain your reasons.
2. Were all the facts necessary to decide the case brought out at the hearing?
3. If you had been the neighbor would you have called the child abuse Hot Line Service? Explain why or why not.
4. Social worker, explain the reasons you had for making the recommendation that you did. Explain any difficulties you had.
5. What if you were the judge in this case—what do you think about the way Mrs. Lloyd handled her boys? For example, do you think it was all right for her to leave Robbie and Danny at home alone?
6. What kind of help do you think it is most important for the Lloyd family to get?
7. What do you think needs to be done to help prevent child abuse and neglect?
8. What were some important things you learned from putting on your own mock juvenile hearing?

Working with Classes of Exceptional Students

Recent federal legislation has mandated the mainstreaming of many students who are identified as "exceptional" or "special." This includes the following categories: educable mentally retarded; learning disabled; behavioral disordered; orthopedic, language, visual, and hearing impaired; and gifted. While many such children are educated in the regular classroom, there are many whose needs are best served by attending class with other students in their exceptional category. In this Guide, we have included some lessons for three categories of exceptionality — educable mentally retarded (or slow learner), orthopedically impaired and hearing impaired.

Often exceptional students are grouped by age rather than grade level. The lessons in this Guide are written for students who are from 13 to 19 years of age.

Resource people serve an important function for the young adolescent who has been educated apart from the regular classroom. At this age, exceptional students are beginning to plan for their future roles as independent, productive adults. Their contact with the adult world often has been limited. Exceptional learners generally are very interested in information provided by lawyers and law students and are quite appreciative of visits.

Working with classes of exceptional students provides the resource person with an exciting opportunity to bring valuable information to students and, at the same time, to expand students' knowledge of and contact with the world they are preparing to enter.

Helpful Hints for Working with Educable Mentally Retarded Students

One: The sophistication of the educable mentally retarded student is often higher than one would imagine, particularly with the adolescent student. The amount of television viewed and their "street sense" adds to this level.

Two: It is vital not to "talk down" to the students because their academic skills are low.

Three: It is important to focus on students' everyday problems and how to assist them in solving those problems.

Four: Vocabulary should be very simple. It helps also to speak slowly and clearly.

Five: Concrete examples are best. Abstractions that require extensive explanation tend to lose the student. If students can touch or see a concrete example, they are more likely to retain the concept.

Six: Call upon students by name and try to involve as many students as possible. Each student should wear a name tag.

Seven: Establish with the teacher in advance the length of the presentation. The educable mentally retarded child generally has a shorter attention span than other students.

Eight: It is more effective to introduce one or two main concepts and explain them, rather than introduce a number of side issues that can be confusing to the students.

Nine: Educable mentally retarded classrooms are unique, in that they may contain more than one academic level. Thus, it is imperative that the resource person attempt to present concepts in very simple terms.

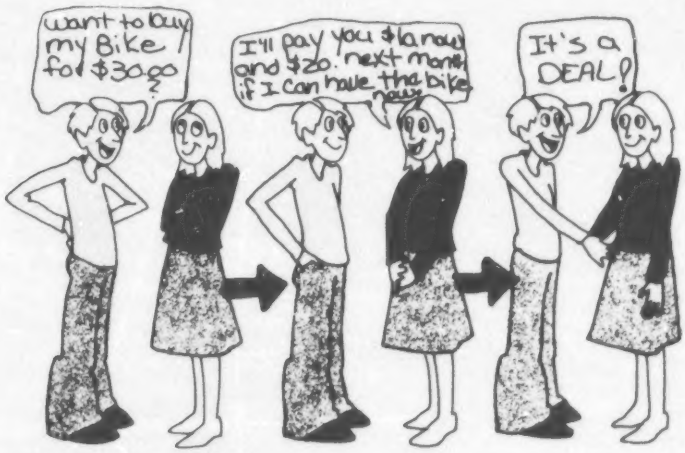
Educable Mentally Retarded Students: Consumer Rights and Responsibilities

BACKGROUND

Educable mentally retarded students encounter special problems when confronted by the complexities of the law. They may be unable to respond intelligently to police procedures; they may lack an awareness of the legal rights (e.g., legal counsel, refusal to answer incriminating questions, cancellation of certain contracts), or they may fail to recognize the importance of these rights. There is strong evidence to suggest that retarded persons have more confrontations with the police than non-retarded individuals, that they have more problems with legal implications as consumers of goods and services, and yet have inadequate knowledge and skill to deal with the resulting legal problems.

It is important to strengthen the abilities of the educable mentally retarded to exercise responsible attitudes and emphasize the goal of independent thinking. It is also important to develop in slow learners the knowledge and skills they need to exercise their rights and responsibilities and to develop their ability to participate as active citizens in the legal system.

PRE-VISIT



From *Young Consumers* Second Edition, Law In Action Series, West Publishing Company, 1980.

The teacher should help the students understand the meaning of a promise to do something and how it relates to a legal promise to do something.

1. Students should make a list or tell the teacher the things they have promised to do at home or at school that week. The teacher can list these on the chalkboard under the heading — *PROMISES*.
2. The teacher could discuss what happens if you don't live up to that promise. What should happen?
3. The teacher should then explain that a *contract* is a *legal* promise between the buyer and the seller.
4. On the chalkboard, the teacher could draw pictures of two persons — a buyer and a seller (stick figures can be used). Have a student stand next to each picture to role play the following situation. (See cartoon above)

"The seller says he/she wants to sell a bike for $30.00. The buyer wants to give only some of the money and pay the rest later. The buyer and seller make a legal promise, a contract, that the seller will sell the bike for some money now and the rest will be paid later.

It is important for students to know that a contract is a legal promise. It is helpful for the teacher to do several role plays before the resource person visits the classroom. It is also useful to write a simple contact on the chalkboard, such as:

I, John Doe, will pay $10.00 on 1-1-81 for a bicycle, with
(buyer)

a balance of $20.00 to be paid on 2-1-81 to Mary Jones.
(seller)

Signed: _____

Date: _____

RESOURCE PERSON'S VISIT

Explain to the students that you are a lawyer or law student and that a lawyer is a person who helps people with legal problems. It might help if you describe in very simple language what kinds of legal problems a lawyer can handle (e.g., contract problems, traffic problems, adoption of children, etc.).

Ask students to identify something they would like to buy (example: radio, stereo, bike, etc.). Have one student come to the front of the room and pretend to buy that item from you. Have the student return to his/her seat. Tell students that in a week a bill will be sent to the student for payment. (It will be helpful to bring in a bill or draw one on the chalkboard.) Pretend that the week has passed and the student has received the bill. Have the student attempt to read the bill. Explain what the bill states. (Based on the contract, the buyer has promised to pay a set amount of money each week or month for a certain period of time.) Explain what would happen if payment is not made (try to avoid using the word repossession or if you do use it, put it on the side of the chalkboard under "WORDS TO LEARN.") Of course, this is a very simplified version of a contract explanation, but the students will be able to grasp how important it is for them to understand contracts.

FOLLOW-UP

The teacher could follow up with lessons on being a wise shopper, repossession, warranties, and reinforcement about contracts. There is a silent filmstrip, *Young Consumers*, West Publishing Company, 1975, that has been useful for the special child at this level. Information on lessons for the EMR child, at 13-16 years of age, can be obtained through Armentha Russell, Coordinator, Consumer Education For EMR Students, 4130 East Lexington, St. Louis, Missouri 63115.

Helpful Hints for Working with Orthopedically Handicapped Students

One: Students often feel that the law doesn't have anything do do with them. They feel like outsiders. By visiting their classroom, the lawyer can help change that attitude.

Two: It is very important to talk with teachers to find out what kind of handicaps students have and the implications this has for your presentation.

Three: The excitement of a lawyer caring enough to come into the classroom can be used to great advantage. It is very helpful to spend time at the beginning to establish who you are, what you do, where you live, a little about your family, and why you are glad to be at the school. Your attitude of genuine concern will generate a great deal of interest in your lesson.

Four: If you can, refer to a role model. If you know of an orthopedically handicapped person in the legal profession, you can provide a sensitive, inspirational example to students.

Orthopedically Handicapped: Fraud, Trade Schools, and Developing Self-Confidence

BACKGROUND

There are many types of orthopedically handicapped students. There are many stages of mobility. In St. Louis, where the first law-related program was developed for the orthopedically handicapped students, many people feared that some of the programs would not work. But, the mock trial presentations, with students primarily in wheelchairs, were the best presentations and most moving experiences for the lawyers and law students involved.

The orthopedically handicapped students often have specific legal problems. For example, the orthopedically handicapped often are limited in shopping and have more problems with door-to-door salespeople, mail orders and telephone solicitation. This lesson deals with the very important problems of fraud and training schools. The lesson is from *Young Consumers*, Second Edition, West Publishing Company, 1980.

PRE–VISIT

Students need to understand that they are consumers and what the word means when applied to their own lives.

RESOURCE PERSON'S VISIT

The resource person should write his/her name on the chalkboard and establish what a lawyer does, e.g., "a lawyer is a person who has been licensed to represent others in legal matters." Then, it is helpful to give examples of the cases that you handle, discussing consumer cases at the end of your discussion. There are four examples of cases attached to this lesson. You could ask one student to read the first two cases and establish whether or not they are fraud. Students should be able to define fraud as something done or something that is not said, that deceives or cheats the buyer. It is very important for students to understand that fraud is misrepresentation. After students have read the first two cases, you could draw the third story in simple cartoon form on the board. Ask students to make up two stories about the cartoon situation. One story should be about fraud and the other should not. The discussion will give you another opportunity to discuss fraud.

The fourth case deals with mail order trade schools. You might also want to discuss trade schools that advertise things like "A job for every graduate," "Make $15,000 a year after graduation," and "Your money refunded if not totally satisfied." It would also be helpful to discuss specific problems in your city, where to check on the reliability of the school, and also what is a reasonable cost for a school?

FOLLOW–UP

1. Students could search the local newspapers to look for stories about trade schools and advertisements to discuss with the class.

2. Students could make a bulletin board of places where they could check the reliability of trade schools and mail order businesses.

1. Ring . . . . "Hello, John Parks? Congratulations! You have just won a new bicycle! If you will send a $10.00 subscription fee to BIKE WORLD MAGAZINE we will deliver a brand new bike to your house plus give you a ten-month subscription to BIKE WORLD MAGAZINE." John sent in $10. He never received a bike or any magazines.

Which story is a case of fraud?

2. Ring . . . . "Hello, answer this question and you will win a streamlined bike-rack. Who is the President of the United States?" Mattie answered correctly. The caller brought over the new bike rack. He also brought a new bike which he said could be hers for only $39.99. She bought the new bike.

From *Young Consumers*, Law In Action Series. West Publishing Company, 1980.

3. Tell a story using this buyer this seller

and this TV set, which shows a case of fraud.

Then, tell a story using this buyer this seller and

this TV set which shows a mistake but is not a case of fraud.

Present your stories to the class.

Have the class decide: 1. Which story is fraud and why?

2. Could the story really happen?

3. How could the people with a problem get help?

4.

·ADAMS SCHOOL of DESIGN·
445 BRATTLE STREET, CLEVELAND, OHIO
BE AN INTERIOR DECORATOR !!!
MONEY ! FASHION ! GLAMOUR !!!!
FREE BROCHURE

Doris Wiggins had always loved decorating houses. She read the ad in the paper and immediately sent away for the free brochure. When Doris receive ' the pamphlet she discovered that for only $50.00 a week she could enroll in a ten week correspondence course and become a certified interior decorator. Doris sent in $50.00 to the school and waited anxiously for her first lessons. When, after one month, nothing had arrived, Doris wrote to the company. Doris never received a reply to her first, second, or third letter.

1. Do you think this a case of fraud? Please explain.
2. What could Doris do to get her money back?

Note to student:
It is wise to check on any business BEFORE you send them your money.

Helpful Hints for Working with Hearing-Impaired Students

One: There are various approaches to teaching the hearing-impaired students. In some schools, such students are taught to "sign." In others, the emphasis is on speaking. In some schools, the two methods are taught in combination. It is very important for the resource person to understand which approach is being used in the classroom he/she will visit and to make advance plans with the teacher about the presentation. Visiting lawyers may make arrangements with classroom teachers to have a person stand to the side of the visitor and sign what the lawyer is saying to the class.

Two: If someone is signing you, it is important for you to give the interpreter the time to interpret. Therefore, it is important to speak slowly and distinctively. The same is true for lip reading. When students are reading your lips, you must be certain always to face them when you speak.

Three: In advance of your visit, work with the teacher to set up a plan for helping you respond to students whom you may not be able to understand.

Hearing-Impaired Students: Being Wise Consumers

BACKGROUND

One good lesson to do with hearing impaired students involves the use of a silent filmstrip. That filmstrip has been included in this Guide in photographic form. These photos can be used in the classroom with an overhead projector.

PRE–VISIT

The silent filmstrip provided for the resource person is part of an overall unit on consumer rights and responsibilities. Students should understand that they are consumers and they should be aware of contracts and warranties which often accompany a purchase.

RESOURCE PERSON'S VISIT

The first set of pictures focuses on "Rose, the Unwise Buyer." Ask the students to describe what is happening in each picture. After this set of pictures, it is helpful to list on the board unwise actions of the consumer — shopping in a rush, not comparing prices, not checking warranty, signing a blank contract, etc. These questions are at the end of the pictures for review. Then go through the second set of pictures: "Steve and Rose Consumer — The Wise Buyers." Again, ask students to describe what is happening in each picture. Then ask students to identify some of the wise actions of the consumers. List these wise actions on the board. The last set of pictures is the "Power to Say No." This is a very important part of the presentation because students need to be able to say "no" to a seller and not be pressured into signing a contract. They need to know it is important to think before signing. Even if they have gotten to the place in the sales transaction where they are ready to sign, they can still say "no." They should learn to be polite, but firm. The pictures provide a good vehicle to discuss these issues with students. Ask students what is happening in each picture. There are questions at the end of the set of pictures which should assist your discussion.

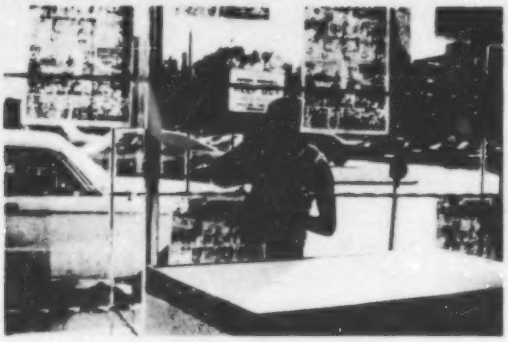
FOLLOW–UP

The students could set up their own store and make pictures of the best way to handle the buying of a radio. Students could use their pictures to make a bulletin board.

37

ROSE CONSUMER – THE UNWISE BUYER

1



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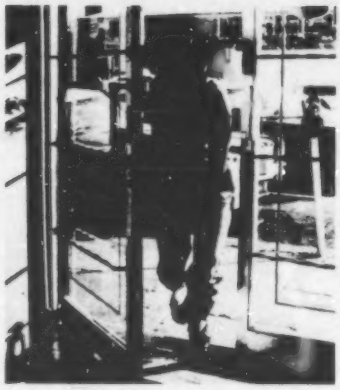

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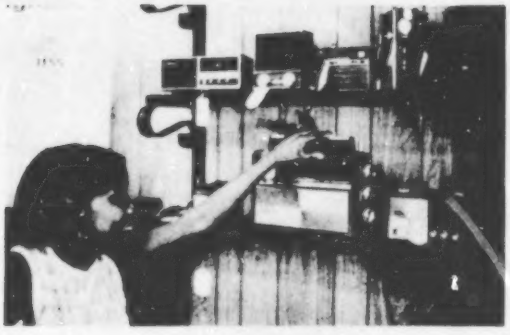

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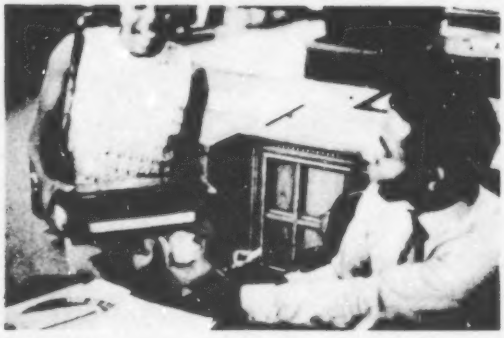


5

6

From *Young Consumers* Law In Action Series, West Publishing Company, Copyright 1975.

1. Why is it unwise to shop while in a hurry?
2. What was wrong with the contract that Rose signed?
3. What did Rose forget to take with her from the store?

38

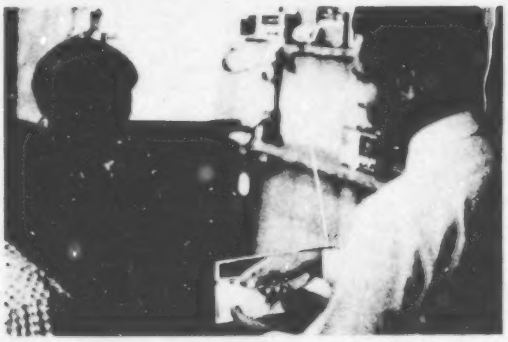
STEVE AND ROSE CONSUMER – THE WISE BUYERS

1

2

3

4



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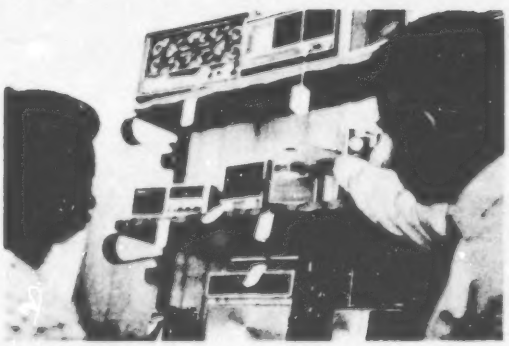

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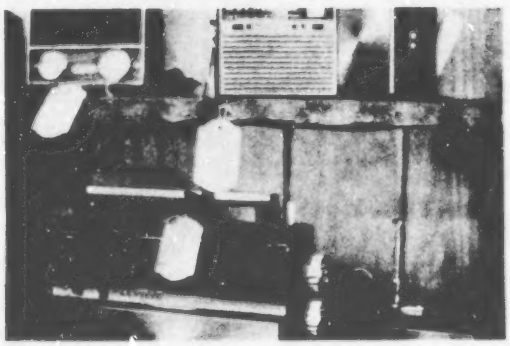

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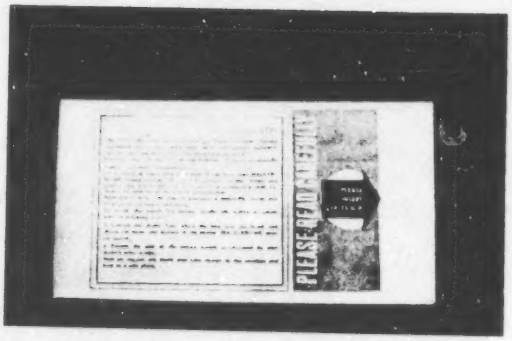
8

9–10

11

12



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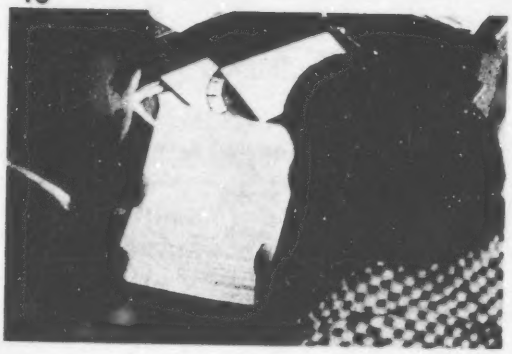


14

BEST COPY AVAILABLE

40

15

16

17

18

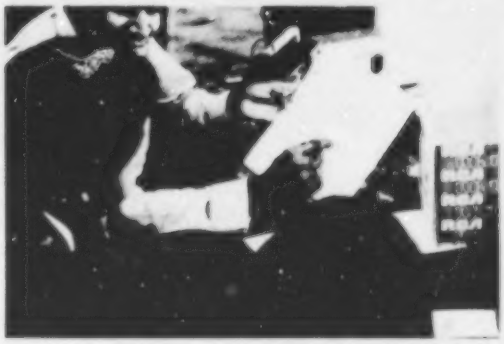
1. What is the benefit of asking a salesperson to help you?
2. Why should a consumer compare prices when he or she shops?
3. Why is it helpful to shop in more than one store?
4. Why did Rose and Steve ask the salesperson to demonstrate the radio?
5. What is a warranty?
6. Why should you read a contract and a warranty thoroughly before buying anything?
7. What problems could occur if you forget to take a copy of the contract with you?

41

THE POWER TO SAY NO

1

2



3

4

5

1. Why is signing a contract so important in a sales transaction?
2. Do you think leaving the store emptyhanded was a smart thing for Rose and Steve to do in this situation? Why? Why not?
3. Have you ever been almost ready to buy something and then decide not to? Explain what happened.

Helpful Hints for Working with Gifted Students

One: It is important to discuss with the teacher of gifted students both the subject area and the makeup of your class. This lesson was developed for sixth through eighth grade students.[1]

Two: In working with gifted students, keep these points in mind:
a. gifted students may have a tendency to monopolize or dominate the conversation.
b. They can be bored with routine presentations.
c. They often disagree more vocally than other students.
d. They are very impatient with themselves and very critical of themselves.
e. They can be extremely interested in vocabulary and participatory learning.

Three: Law-related education is an excellent learning tool to stimulate the gifted student. With the gifted, it is very important for students to be able to take apart a concept and see different sides of it. The case study method and mock trials are two ways that students can learn that there can be more than one right answer and that there may be several points of view.

Four: Planning and organization are crucial to an effective lesson with gifted students.

[1] A gifted student law-related program has existed in St. Louis Public Schools for several years. Additional assistance for this Guide has been provided by Sunny Pervil, Resource Teacher, Gifted Program, Parkway School System in St. Louis County. Law In A Free Society materials have also been used in gifted student settings.

Gifted Students: Case Studies

BACKGROUND

In education, there has been a recent movement to try to meet specific needs of the gifted students. Some of our future leaders will come from this group, and they need the stimulation and excitement that the resource person's visit can generate. The case study method can be used successfully with all sixth through eighth grade students, but it is particularly useful with gifted students because of the analytical and critical thinking skills involved. The two cases are from *Lawmaking*, Second Edition, Law in Action Series, West Publishing Company, 1980.

PRE-VISIT

Students need to have a clear understanding of the court system and how judges interpret the law. It is important that students understand vocabulary words, which are part of the court system (examples: interpret, precedent). Students also need to be aware of the first ten amendments to the U.S. Constitution, called the Bill of Rights.

RESOURCE PERSON'S VISIT

There are two sample case studies attached which you might choose to use. You can ask teachers to provide students with copies or you can use an overhead projector in the classroom. Ask students to read one case carefully. Have them tell you what the facts of the case are. Discuss with students the identification of facts. You might even write the facts on the board. Then have students identify the issue in this case. This kind of interchange should help them discover for themselves the issues of constitutionality. You could explain how a case comes to the U.S. Supreme Court and why it must include an issue of constitutionality.

Ask the students to pretend to be a Supreme Court Justice and to decide a case. As a Justice, each student must be able to give reasons for his or her decision. You may want to lead the discussion by taking a vote and then dividing the class into majority and minority opinions. This might help the resource person play "devil's advocate" in order to stretch the students' thinking.

FOLLOW-UP

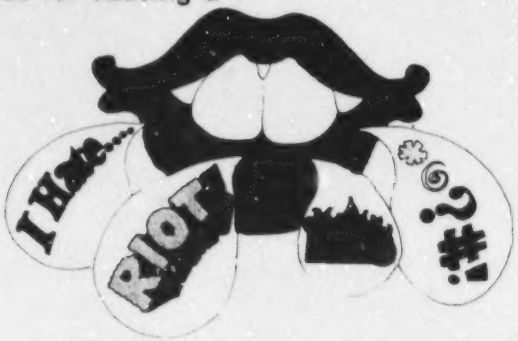
Students could be given other cases; the teacher could then divide the class into groups to put into writing their majority and minority opinions. Their "briefs" could be presented to the class for discussion.

48

A young college student stood on a street corner and talked into a microphone to announce a meeting that night. He called the mayor of the city and the President of the United States "bums." He shouted that poor and minority people should rise up to fight for equal rights. The crowd, about eighty black and white people, became restless. There was pushing, shoving. At least one person threatened violence unless the police were called. The speaker was arrested by the police for causing a disturbance.

Would you allow this man to continue to speak?

Use the case study method, page 46, in making your decision.



SHOULD PEOPLE BE ALLOWED TO SAY ANYTHING THEY WANT?

Note to teacher:
Issue:
What right should the law hold more important—the right of the man to exercise free speech (First Amendment) or the right of citizens to be protected from disorder or violence?

Ask students to reread the First Amendment.

Information:
This story is based on *Feiner v. New York*, 340 U.S. 315 (1951). The majority stated that Feiner should not be allowed to speak because the crowd's reaction to the speech created a "clear and present danger" of disorder.

Justice Black, who delivered a dissenting, opinion stated:

"The police of course have power to prevent breaches of the peace. But if, in the name of preserving order, they ever can interfere with a lawful public speaker, they must first make all reasonable efforts to protect him. . . . Their duty was to protect petitioner's right to talk, even to the extent of arresting the man who threatened to interfere. Instead they shirked that duty and acted only to suppress the right to speak."

Justice Douglas, also dissenting, stated: "Public assemblies and public speech occupy an important role in American life. One high function of the police is to protect these lawful gatherings so the speakers may exercise their constitutional rights."

From *Lawmaking*, Law In Action Series, Second Edition, West Publishing Company, 1980.

Some students planned to make known their opposition to the Vietnam War by wearing black armbands to school. The principals in one school district heard of this plan and adopted a policy forbidding the wearing of armbands. They also decided that any student who refused to remove an armband would be suspended until he/she did. The principals were concerned that the wearing of armbands would disrupt classes. They felt that schools were not places for demonstrations.

Should the Tinkers be allowed to wear black armbands to school? The Tinkers didn't say any words of protest. Do you think freedom of speech should apply to wearing armbands?

Use the case study method in making your decision.

Note to teacher:
Issue:
What right should the law hold more important—the right of the Tinkers to express freely their ideas or the right of the school to protect good order? You may want to ask students to reread the First Amendment.

Information:
In *Tinker v. Des Moines School District*, 393 U.S. 503 (1969) the Supreme Court ruled in favor of the Tinkers, since it was an orderly and symbolic expression of free speech. There was no indication that the Tinkers had interfered with the work of the school or the rights of others.

Justice Fortas said in the majority opinion:

"It can hardly be argued that either students or teachers shed their rights to freedom of speech or expression at the schoolhouse gate." Students

John Tinker, age 16, and his sister, Mary Beth, age 13, decided to wear black armbands to school to protest the Vietnam War. They knew about the policy forbidding this because the principal had told them about it. He also informed them they would be suspended if they came wearing armbands. When they appeared at school wearing armbands, the principal sent them home and said they could not return until they removed the armbands.

"may not be confined to the expression of those sentiments which are officially approved."

He also noted that, "conduct . . . which materially disrupts or causes a substantial disorder or invasion of the rights of others, is, of course, not immunized by the constitutional guarantees of freedom of speech."

Justice Black dissented saying that a person does not "carry with him . . . a constitutional right to go into . . . places contrary to their rules and speak his mind on any subject he pleases. . . . The record amply shows that public protest in the school classes against the Vietnam war 'distracted from that singleness of purpose which the State . . . desired to exist in its public educational institutions.' "

Appendix

List of Resources for Teachers, Lawyers, and Law Students For Use in Kindergarten through Eighth Grade Classrooms

Special Committee on Youth Education for Citizenship
American Bar Association
Norman Gross, Staff Director
1155 East 60th Street
Chicago, Illinois 60637
(312) 947-3960

The resources include *UpDate Magazine*, published quarterly, which reports on recent Supreme Court decisions, innovative classroom strategies, and important developments in the law and law-related education. Each issue includes a review of elementary and secondary curriculum materials. The resources are available on request. This organization can direct you to other elementary projects throughout the country. The ABA's curriculum catalogues — the *Bibliography, Media*, and *Gaming* — gives you more than 1,500 materials for classrooms, K-12. The 1980 publication, *Daring To Dream*, is a book on elementary law-related education and the humanities. Other resources include consulting and clearing house services, regional seminars and summer institutes, and leadership seminars.

Children's Legal Rights Information and Training Program
Roberta Gottesman, Director
2008 Hillyer Place, N.W.
Washington, D.C. 20009
(202) 332-6575

The resources include the *Children's Legal Rights Journal*, a national periodical, published six times a year, designed to serve the special informational needs of professionals who deal with young people. The *Journal* examines court cases and opinions, reports on federal and state legislation affecting children, discusses new and controversial topics concerning laws which affect children, examines federal regulations and policies, and presents new, successful techniques for the administration of programs designed for children.

Constitutional Rights Foundation
Vivian Monroe, Executive Director
1510 Cotner Avenue
Los Angeles, California 90025
(213) 473-5091

Carolyn Pereira, Director
Constitutional Rights Foundation /Chicago
122 South Michigan Avenue, Suite 1854
Chicago, Illinois 60603
(312) 663-9057

The resources include *The Living Law Series — Criminal Justice* and *Civil Justice*, junior and senior high text and teacher guides. The *Bill of Rights In Action Newsletter* is published quarterly for students and teachers. Each issue focuses on current, important legal problems, includes recent Supreme Court cases, and provides classroom strategies. CRF is developing two booklets which can be used for implementation of such programs in other areas. The teacher's guide will contain procedural guidelines for the successful involvement of lawyers in the secondary school classrooms. The second booklet will be designed to be used by a bar association and school district, where the law-related project director wishes to implement a lawyer-in-the-classroom program.

Available is a K-4 curriculum package, *Beginning Citizens*, which was developed jointly by the Constitutional Rights Foundation, the Maryland Law-Related Education Program, and the National Street Law Institute (for a more detailed description, see listing in this section for Law Related Education Program for the Schools of Maryland).

Law-Related Education Program for the
Schools of Maryland
Gerard W. Paradis, Director
EM 007
5401 Wilkens Avenue
Baltimore, Maryland 21228
(301) 455-3239

The Law-Related Education Program for the Schools of Maryland, the National Street Law Institute and the Constitutional Rights Foundation in a joint project have developed elementary units for grades K-4 on the concepts of Responsibility, Choices, and Governance. These supplementary materials interface with appropriate social studies themes (for example, Kindergarten-Home and School) at each grade level.

Law In A Free Society
Charles Quigley, Executive Director
5115 Douglas Fir Drive
Suite #1
Calabasas, California 91302
(213) 340-9320

LFS offers a variety of materials and services designed to prepare young people for responsible citizenship. The LFS curriculum and accompanying teacher training and classroom materials are based on eight concepts fundamental to understanding political and legal systems. These are Authority, Privacy, Responsibility, Justice, Freedom, Property, Diversity, and Participation. Of these concepts, only

the first four have been completed and made available for classroom instruction. For each of the eight concepts listed above, the project has developed the following publications: *Selected Readings for Teachers*, *Curriculum Guide*, *Book of Lesson Plans*, and a *Leader's Handbook*, available for implementing the full curriculum.

National Law In Action
Trudy Faust, Coordinator
393 North Euclid
Room 211
St. Louis, Missouri 63108
(314) 361-8626

Resources include information on the books, in the Law In Action Series, for grades five through eight, a newsletter, posters, articles on reading competencies and law-related education, teacher training and consultant services.

National Street Law Institute
Jason Newman, Director
605 G Street, N.W.
Washington, D.C. 20001
(202) 624-8217

The NSLI educates about the practical effect of law on everyday lives. Since 1975, NSLI has sponsored law-related programs in settings which range from secondary schools to adult education centers. NSLI also has produced a secondary text, *Street Law*, and extensive materials on mock trials which may be useful resources for elementary teachers.

Available is a K-4 curriculum package, *Beginning Citizens*, which was developed jointly by the National Street Law Institute, the Constitutional Rights Foundation and the Maryland Law-Related Education Program (for a more detailed description, see listing in this section for Law-Related Education Program for the Schools of Maryland).

The following listing includes additional names of individuals who either direct elementary LRE projects themselves or can help identify programs and resource people in their areas.

ARIZONA

Ellie Sbragia, Law-Related Education Project, State Bar of Arizona, Suite 858, 234 North Central Avenue, Phoenix 85004, (602) 252-4804.

ARKANSAS

Joan Gould, Coordinator, Criminal Law Education Project, Little Rock Public Schools, 100 South Arch, Little Rock 72202, (501) 371-2916.

Gaye S. Johnson, Juvenile Specialist, Arkansas Crime Commission, 1515 Building, Suite 700, Little Rock 72202, (501) 371-2916.

CALIFORNIA

Doreen Nelson, Director, Center for City Building Educational Programs, 2210 Wilshire Boulevard, Suite 303, Santa Monica 90403, (213) 828-1895.

COLORADO

Mary Jane Turner, Coordinator, Social Science Education Consortium, 855 Broadway, Boulder 80302, (303) 492-1854.

CONNECTICUT

Margaret Richards, Coordinator, Connecticut Consortium for Law-Related Education, State Department of Education, Box 2219, Hartford 06115, (203) 566-4825.

FLORIDA

Elaine Liftin, Project Coordinator, Law Education Goals and Learnings (LEGAL), 1410 North East 2nd Avenue, Miami 33132, (305) 350-3392.

Mary Alpaugh, Project Director, Florida Youth and the Law Project, The Florida Bar, 600 Apalachee Parkway, Tallahassee 32301, (904) 222-5286.

Wentworth Clarke and Bruce W. Flower, Directors, Florida Institute for Law in Social Studies, 225 Dover Wood Road, Fern Park 32730.

GEORGIA

John Evans, Chairman, Atlanta Law Education Program, Atlanta Public Schools, 2930 Forrest Hills Drive, S.W., Atlanta 30315, (404) 761-5411 ext. 261.

Jeanette Moon, Assistant Director, Georgia Center for Citizenship and Law-Related Education, Georgia State University, P.O. Box 604, University Plaza, Atlanta 30303, (404) 658-2520.

Alan Hoffman, Georgia State University, Department of Curriculum and Instruction, University Plaza, Atlanta 30303, (404) 658-2000.

HAWAII

Tom Thomas, CRDG, College of Education, 1776 University Avenue, Honolulu 96822, (808) 948-6417 or (808) 948-7833.

IDAHO

Lamont Lyons, Assistant Professor, Teacher Education, Boise State University, 1910 University Drive, Boise 83725, (208) 385-3693.

ILLINOIS

Ann M. Pictor, Educational Consultant, Illinois State Board of Education, 100 North First Street, Springfield 62777, (217) 782-2826.

INDIANA

Pete Orlich, Elementary Principal, McDowell Elementary School, 2700 McKinley Avenue, Columbus 47201, (812) 367-4451.

IOWA

Richard E. Gage, Social Studies Consultant, Iowa State Department of Public Instruction, Grimes State Office Building, Des Moines 50319, (515) 281-3517.

KANSAS

James M. Concannon, III, Professor, Law in Education Committee, Kansas Bar Association, Washburn University School of Law, Topeka 66621, (913) 295-6660.

Richard D. Leighty, Education Program Specialist, Social Studies, State Department of Education, 120 East Tenth, Topeka 66612.

KENTUCKY

Helen Worthington, Social Studies Consultant, Kentucky Department of Education, Capital Plaza Tower, 18th Floor, Frankfort 40601, (502) 564-2672.

LOUISIANA

Alton Bryant, Community Involvement in Law Education, 425 South Broad Street, New Orleans 70119, (504) 822-9322.

MAINE

Joseph Pecoraro, Maine Department of Education and Culture, State House Station, Augusta 04330, (207) 289-2033.

MASSACHUSETTS

David Schimmel, Professor, School of Education, Chairperson, Massachusetts Association of Law-Related Education, University of Massachusetts, 265 Hills South, Amherst 01003, (413) 545-1529.

Nancy Wyner, Professor, Wheelock College, 43 Union Park, Boston 02118, (617) 482-7204.

MICHIGAN

Guy Blackburn, Director of Social Studies, Oakland Schools, 2100 Pontiac Lake Road, Pontiac 48054, (313) 858-2008.

Tim Little, Co-Coordinator, Michigan Conference on Law-Focused Citizenship Education, 339 Erickson Hall, Michigan State University, East Lansing 48824, (517) 355-1837.

Sister Beth Butler, Curr. Coordinator, Lansing Diocese, 1208 Carlton Boulevard, Jackson 49203.

MINNESOTA

Joseph Daly, Professor, Hamline University School of Law, 1536 Hewitt Avenue, St. Paul 55104, (612) 641-2121.

James W. Keeler, Director, Children and the Law and the Student Lawyer, Communications and Education, Minnesota State Bar Association, 100 Minnesota Federal Building, Minneapolis 55402, (612) 335-1183.

Roger Wangen, Social Studies Specialist, Minnesota Department of Education, 640 Capitol Square Building, 550 Cedar Street, St. Paul 55101, (612) 296-4076.

MISSISSIPPI

Nancy I. Brown, Social Studies Consultant, Mississippi State Department of Education, P.O. Box 771, Jackson 39205, (601) 354-6955.

MISSOURI

Linda Riekes, Director, Law and Education Project, St. Louis Public Schools, 4130 Lexington, St. Louis 63115, (314) 531-2000.

Bobbie L. Hunsperger, Kansas City Bar Association, 1102 Grand Avenue, Kansas City 64106.

LuAnn Vollenweider Madsen, Field Director, Missouri Bar Advisory Committee on Citizenship Education, The Missouri Bar, Box 119, Jefferson City 65101, (314) 635-4128.

MONTANA

Kent M. Purcell, Executive Director, State Bar of Montana, P.O. Box 4669, Helena 59601, (406) 442-7660.

Carolyn Zimmet, Teacher, 2025 34th Street, Missoula 59801.

NEBRASKA

Paul G. Johnson, Consultant, History and Social Studies, Nebraska State Department of Education, 301 Centennial Mall South, Box 94987, Lincoln 68509, (402) 471-2446.

Donald A. Young, Coordinator of Law-Related Education, Nebraska State Bar Association, Room 1019 Sharp Building, Lincoln 68508, (402) 475-7091.

NEVADA

Jim Bean, State Department of Education, 400 West King, Capitol Complex, Carson City 89710, (702) 885-5700.

NEW HAMPSHIRE

Carter B. Hart, Jr., Social Studies Consultant, State Department of Education, 64 North Main Street, Concord 03301, (603) 271-3640.

NEW JERSEY

Louise C. Stern, Program Coordinator, Institute for Political /Legal Education, Educational Improvement Center, 207 Delsea Drive, R.D. #4, Box 209, Sewell 08080, (609) 228-6000 ext. 221.

NEW MEXICO

Melinda Smith, Project Coordinator, Law for Living Project, State Bar of New Mexico, P.O. Box 25883, Albuquerque 87125, (505) 842-6132.

NEW YORK

Ann McCarthy, CSJ Associate Superintendent, Office of Catholic Education, Division of Schools, 6025 6th Avenue, Brooklyn 11220, (212) 573-9522.

Elliot Salow, Open Doors, 261 Madison Avenue, New York 10017, (212) 596-6213.

Eric Mondschein, Director, Law, Youth and Citizenship

Program, Bureau of Social Studies Education, New York State Education Department, Albany 12234, (518) 474-5934.

JoAnn Shaheen, Principal, Cottage Lane Elementary School, Blauvelt 10913, (914) 359-6614.

NORTH CAROLINA

Doug Robertson, North Carolina Department of Public Instruction, Education Building, Room 209, Raleigh 27611, (919) 733-3829.

NORTH DAKOTA

Lynn M. Davidson, Director of Curriculum, Department of Public Instruction, State Capitol, Bismarck 58505, (701) 224-2265.

Marie M. Feidler, Director, Law-Related Education Pilot Project, Box 963, Grand Forks 58201.

OHIO

Gary Hunt, Director of Media Relations, Ohio State Bar Association, 33 West 11th Avenue, Columbus 43201, (614) 421-2121.

David Naylor, Executive Director, Center for Law-Related Education, 635 Pharmacy Building, University of Cincinnati, Cincinnati 45221, (513) 475-3982.

OKLAHOMA

Ira Eyster, Director, Law Focused Curriculum Project, University of Oklahoma, 805 Willow Lane, Norman 73037, (405) 325-3806.

OREGON

Lynda Carl Falkenstein, International Center on Law-Related Education, Portland State University, P.O. Box 751, Portland 97201, (503) 229-3000.

Allen Dobbins, Curriculum Administrator, Portland School District #1, 3830 South East 14th, P.O. Box 3107, Portland 97208, (503) 239-5821.

PENNSYLVANIA

Beth Farnbach and Carol Plesser, Law Education and Participation, Temple University, 1719 North Broad Street, Philadelphia 19122, (215) 787-8953 or 54.

Robert L. Schell, Project Director, Statewide Law-Related Education, Pennsylvania Department of Education, Box 911, Harrisburg 17126, (717) 787-6743.

RHODE ISLAND

Joyce L. Stevos, Social Studies Area Supervisor, Providence School Department, 86 Fourth Street, Providence 02906, (401) 456-9100.

William J. Piacentini, Jr., Director, Youth and the Law: Legally an Adult Now, Cranston Public Schools, 845 Park Avenue, Cranston 02910, (401) 785-0400.

SOUTH CAROLINA

Jack C. Hanna, Project Director, Ways of the Law TV Series, South Carolina Department of Education, 2712 Millwood Avenue, Columbia 29250, (803) 758-7301.

SOUTH DAKOTA

Lennis Larson, Program Coordinator, Spearfish Public Schools, 1025 5th Street, Spearfish 57783, (605) 642-2612.

Doug Phillips, Director of Social Studies, Division of Elementary and Secondary Education, Kneip Building, Pierre 57501, (605) 773-3783.

TENNESSEE

Benjamin Carmichael, Director of Extended Services, East Tennessee State University, Box 24310A, Johnson City 37601, (615) 929-4214.

Catherine Pickle, Project Coordinator, Memphis City Schools, 3782 Jackson Avenue, Memphis 38108, (901) 386-0550.

Dorothy J. Skeel, Director, Tennessee LRE Project, Peabody Center, Box 320, Nashville 37203, (615) 372-8350.

TEXAS

Lanette Sullivan, Director, Law in a Changing Society, 3700 Ross Avenue, Dallas 75204, (214) 421-0206.

UTAH

Nancy N. Mathews, Director, Utah Law-Related Education Project, Utah State Board of Education, 250 East Fifth South, Salt Lake City 84111, (801) 533-5891.

VERMONT

James G. Lengel, Social Studies Consultant, Vermont Legal Education Project, Vermont State Department of Education, Montpelier 05602, (802) 828-3111.

VIRGINIA

Jack K. Henes, Curriculum Specialist, Alexandria City Public Schools, 3801 Braddock Road, Alexandria 22302, (703) 750-6381.

Jeff Southard, Coordinator, Law-Related Education Program for the Schools of Virginia, Norfolk School Administration Building, 800 East City Hall Avenue, P.O. Box 1357, Norfolk 23501, (804) 623-8321.

WASHINGTON

Peter J. Hovenier, Project Director, Washington Center for Law-Focused Education, Western Washington State College, 304 Miller Hall, Bellingham 98225, (206) 676-3327.

WEST VIRGINIA

Lydia McCue, Curriculum Development Specialist, West Virginia Department of Education, Capitol Complex B-138, Charleston 25305, (304) 348-7010.

WISCONSIN

Arthur H. Rumpf, Social Studies Curriculum Specialist, Milwaukee Public Schools, P.O. Drawer 10K, Milwaukee 53210, (414) 475-8099.

WYOMING

Robert C. Points, Director, Wyoming Law-Related Education Project, College of Education, University of Wyoming, Laramie 82071, (307) 766-5279.

Robert L. Ferguson, Social Studies Coordinator, Wyoming State Department of Education, Hathaway Building, Cheyenne 82002, (307) 777-7411.